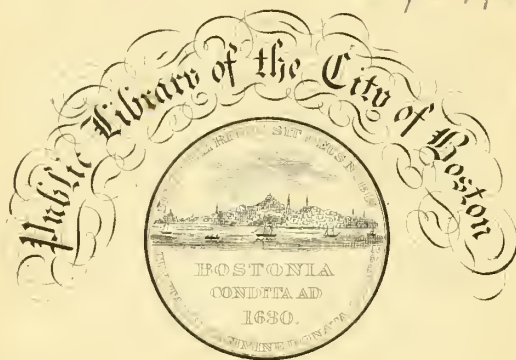


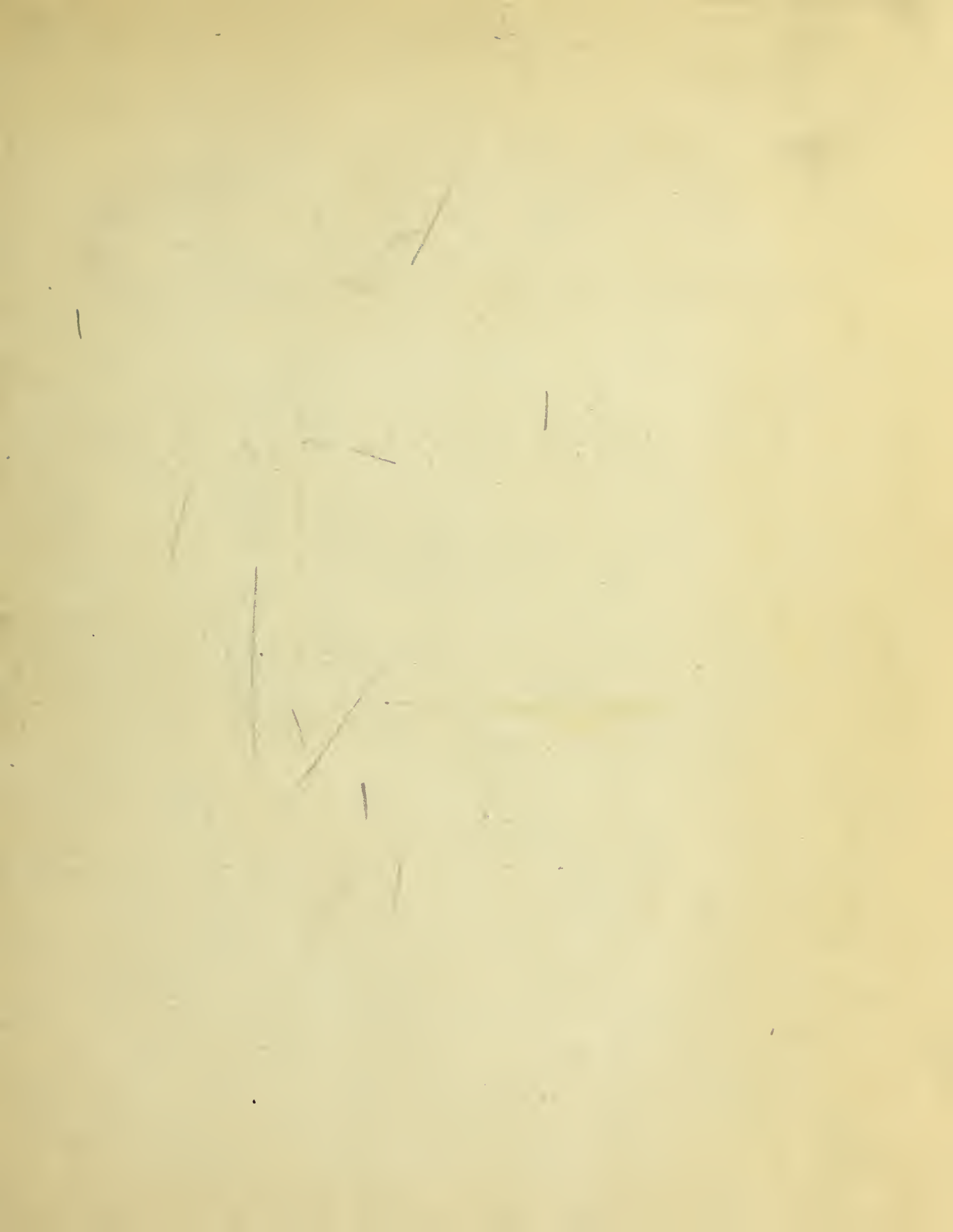
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GENEALOGY, &c.—A RARE FAMILY HISTORY.—Anderson's (Jno.) Historical Account of the Family of FRISSEL or FRASER, particularly FRASER of LOVAT, embracing notices of National Customs and Manners; also the Original Letters of Simon Lord Lovat. 1825, 4to, LARGE FOLDING PEDIGREES and *very beautiful plates of facsimiles of* ANCIENT SEALS and COATS OF ARMS, *uncut*, £2, 18s.

57 BIOGRAPHY—Lovat (Simon, Lord) *Mémoires of the Life of*, written by himself, in the French Language, and now first translated from the Original Manuscript, 8vo. 3s 1797

“Mr W. B. TURNBULL's copy sold at his sale for 44s. In a recently issued London bookseller's catalogue, there was a copy priced 58s.”



HISTORICAL ACCOUNT
OF
THE FAMILY OF
FRISEL OR FRASER,
PARTICULARLY
FRASER OF LOVAT,

EMBRACING VARIOUS NOTICES, ILLUSTRATIVE OF
NATIONAL CUSTOMS AND MANNERS, WITH
ORIGINAL CORRESPONDENCE OF

SIMON, LORD LOVAT, &c,

BY
JOHN ANDERSON,
WRITER TO THE SIGNET.

WILLIAM BLACKWOOD, EDINBURGH, AND
T. CADELL, STRAND, LONDON.

MDCCCXXV.

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TO

THOMAS ALEXANDER FRASER, Esq.

OF

LOVAT AND STRICHEN,

HEIR MALE AND REPRESENTATIVE

OF THE

LORDS FRASER, OR OF LOVAT,

THIS VOLUME

IS RESPECTFULLY DEDICATED.

PREFACE.

SOME explanation may be looked for, on giving a work of this nature to the world.

My attention was first directed to the descent of the Clan Fraser, by a professional enquiry into that of their leading branch. In addition to the genealogical notices then collected, I was insensibly led, from meeting with many singular incidents relating to the family, to undertake an account of them from the earliest times. The essay was made, partly for amusement, partly in the hope of becoming more intimate with Scottish history. I had advanced a short way in the arrangement of my materials, when it was suggested to me, that by occasionally introducing events of a public character, I might form a sketch possessed of some attractions to those who feel an interest in whatever regards the history and manners of our Highlanders. By acceding to the proposal, I found I had imposed upon myself a task, the execution of which, I am too well aware, has fallen short of the design.

The object of genealogical investigations, is commonly of a nature too confined to obtain for them general regard ; nor am I vain enough to suppose, that, with the mass of readers, the present will form an exception. If it contain errors, (inseparable, perhaps, from such a work,) I would fain trust they may be found to be neither numerous nor important.

An apology is due for the assumption of a title which may go the length of implying pretensions to a regular history. With better abilities, and more extended means of information, I might have yielded to the flattering hope of making such an attempt. As it is, I beg to be understood as preferring no other claim for this, as an *historical* work, than its being simply the depository of the connected details of my subject ; occupying a space too extended for mere *annals*, and yet too confined in every sense for a history.

As I have availed myself of several manuscripts and works relating expressly to the subject of which I treat, a brief account of these may be necessary.

I have frequently quoted an authenticated transcript of a MS. regarding the Bissets and Frasers of Lovat, written by Mr James Fraser, minister of Wardlaw, under the title of the “ Wardlaw MS.” The labours of the Reverend Author comprise a period extending from the reign of Alexander I. to the earlier part of the 18th century. Another MS. which I have been permitted to consult, is to be found in the Advocates’ Library, entitled, “ History of the most Ancient, most Noble, and Illustrious Family of Fraser, particularly Fraser of Lovat, and intended for

publication, 1749." It brings down their history to the time of Simon, Lord Lovat, who made so remarkable a figure in 1715 and 1745; and the Author seems to have had an intention of dedicating another volume to the Life of that Nobleman.

Of the transcripts of two other MSS. which I have once or twice noticed, when I found them supported by other evidence, viz. of one in the hands of Mr Fraser of Culduthel, and of another of the Frasers of Saltoun, I need hardly speak. The first is miserably deficient in information, hurrying over a generation in a line or two. It begins in 1330 and closes in 1641. In point of pretensions to *antiquity*, the second is sufficiently venerable; for its author ascends to Charlemagne and his peers. Such of the MSS. of the other Highland clans as are referred to, are in the possession of Alexander M'Kenzie, Esq. of Inverness.

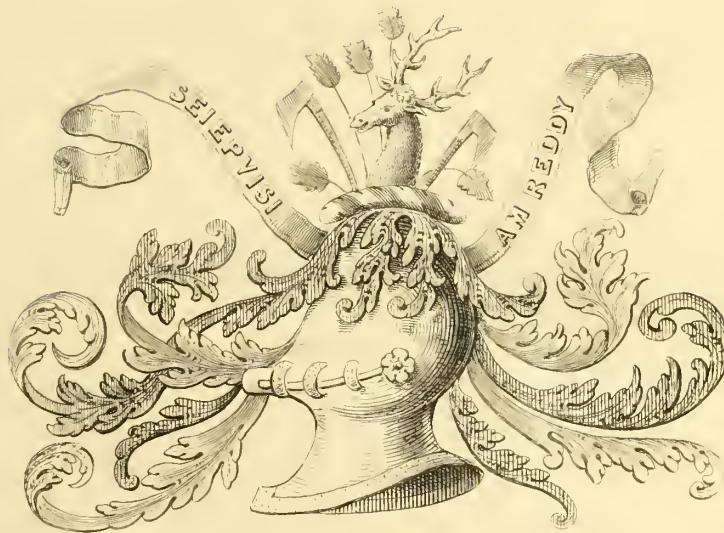
With regard to published authorities, I have occasionally had recourse to "The Annals of the Frasers," edited by the Honourable Colonel A. Fraser of Lovat. In doing so, I was not aware that I was insensibly making reference to the preceding MS., intended for the press in 1749, of the existence of which I was but lately apprised. I have, however, since then, found, on comparison, that the *printed* work is little else than a literal copy of an inconsiderable portion of the written one. The confusion I should have been led into, in corrections, has induced me to retain my first reference, with this explanation,—that the MS. is only brought forward when the incidents in the annals have been exhausted.

“ *Les Memoires de la Vie du Lord Lovat,*” are to be found in a small volume, now, I believe, extremely rare, printed at Amsterdam in the year 1747, and divided into two parts,—the last of which is written in the style of an apology for his Lordship. The “ *Life and Adventures of Lord Lovat,*” by the Reverend Archibald Arbuthnot, Minister of Kiltarlity, in the Presbytery of Inverness, edited at London in 1746, is also alluded to.

We must not confound with these volumes, “ *The Memoirs of the Life of Lord Lovat.*” They were written by Simon, Lord Lovat, himself, and published in London in 1797, as then, for the first time, translated from the original manuscript in the French language. It will be seen, that I have not overlooked them.

In tendering my acknowledgments for the various communications with which I have been favoured from most respectable quarters, I may be permitted to express my gratitude, in an especial manner, for his many and valuable suggestions, to John Riddell, Esq. Advocate, whose intimate acquaintance with the pedigrees of our Noble Families, is too well known to need any eulogium; and to John Ewing, Esq. Advocate, Aberdeen, who kindly lent his aid in investigating the records of that city. The object and limits of a preface, preclude my particularising the numerous other individuals to whom I have been indebted.

HISTORICAL ACCOUNT
OF THE
FAMILY OF FRASER.



"Family tradition and Genealogical history is the very reverse of amber, which, itself a valuable substance, usually includes flies, shaws and other trifles; whereas these studies, being themselves very insignificant and trifling, do nevertheless serve to perpetuate a great deal of what is rare and valuable in ancient manners, and to record many curious and minute facts which could have been preserved and conveyed through no other medium"—*Novels and Tales of the Author of Waverley*, Vol. I, p. 32.

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HISTORICAL ACCOUNT,

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CHAPTER I.

ENQUIRIES into the earlier history of a sept or kingdom, are necessarily unsatisfactory. Truth disappears in the credulous narrative of kindred writers, intent on the preservation of improbable and absurd traditions. Beyond the dawn of record, we wander in error and perplexity; and the tales of such a period may justly be consigned to oblivion.

Events have combined in a peculiar manner to involve the remote antiquities of Scotland in impenetrable darkness, whether our attention be directed to the first ages of the monarchy, or to the characters who figured on the national arena. This remark is strikingly exemplified in the subject of which we are now to treat. The origin of the family of Fraser,—as it is clothed in all the wildness and extravagance of legend by their own chroniclers—must be held to be fabulous and unworthy of regard; and our investigations ought accordingly to commence at a point where facts, not theory, may guide to the research.

We first recognise the Frisels in the array of those adventurers who accompanied the Norman William to the English shores.^a The precise æra when they extended northwards, is not so well defined. By some, the reign of William the Lion has been fixed upon as the epoch of their

^a Old French Roll, Apud. Leland's Antiq. Collec. I. p. 208. Holingshed II, p. 295. and vol. in Advocates' Library, entitled Genealogical Collections.

appearance in Scottish annals;—whilst other authors have ascended to the times of Malcolm, surnamed Ceanmore, when Anglo-Saxon and Norman Colonists transferred their allegiance to a Celtic Prince.^b

The first supposition is evidently an incorrect one; for we behold the Frasers a race of some importance during the prior sway of David I.^c To this reign is to be traced the chief influx of Norman settlers into Scotland. Educated at the English Court, and wedded to a lady of that nation, it was natural that her followers should have accompanied their mistress to her northern domains. The chartularies bear testimony to the munificence which the respective names of Moreville, Riddel, Heriz, D'Engain and De Say, experienced from their Scottish Sovereign.

Though a cloud veils their connection with Scotland, we are certain that the surname of Fraser was amongst the first of those we had from Normandy; and our conjecture is strengthened by their armorial bearing, which was a field azure semé with strawberries, called in French, *fraises*.^d These were in after times reduced to six or seven, and latterly to three.* Fabulists have referred the creation of these arms to the distant age of Charles the Simple of France.^e A nobleman of Bourbon, by name Julius de Berry, entertaining that monarch with a dish of fine strawberries to his Majesty's satisfaction, was knighted in presence of the assembled nobles, and the surname of Fraize substituted for De Berry. From this ancestor do the annalists deduce a fictitious race. Experiencing different modifications, the name of old was indiscriminately written Fraizeau and Frisil. In our ancient records, we find the clan styled Fresal or Fraser.^f

* These arms may yet be seen, it is said, over the gateway of Oliver Castle, in Tweeddale, and are, or were, not long ago extant on the cross of Peebles. There are families in Normandy and Burgundy, who claim affinity with the name at this day. The one of greatest note in France, was that of Frezeau, or Frezel, Duke de la Frezeliere, Marquis de Montagnard, and hereditary Lieutenant-General of the Ordinance, who, on account of their being of the same origin, and derived from the same blood, was the great patron of Simon, Lord Fraser of Lovat, during his exile in France from 1703 to 1714. This illustrious family was allied to all the Royal houses, and almost all the principal nobility of Europe.*

^b Abercromby's Martial Achievements, Vol. I. p. 557, 364.
^c M'Kenzie's Lives of Scots Authors, Vol. II. p. 344.
^d Caledonia, I. p. 553.

^e Crawford's Off. of State, 268.

^f Annals of the Frasers, 9.

^g Act Dom. Concil. 214, Col. 2, Vol. 85. p. 224.

^h Lovat's Memoirs, 315. MS. of Frasers in Advocates' Library.

Their earliest settlements were in East Lothian,^g whence they successively branched off into Tweeddale, in the 12th and 13th centuries, and afterwards to Inverness and Aberdeenshires. Their own chroniclers say, that John, the eldest of three brothers, at the Court of Malcolm Ceanmore, laid the foundation of the splendid house of the Frasers, Lords of Oliver Castle,^h by marrying Eupham Sloan, heretrix of Tweeddale, whilst a second brother carried the family name beyond the Forth, and bequeathed the lands about Inverkeithing to his descendants, who enjoyed them for several ages.*

^g Chart. Kelso, No. 87.
Chart. Soltre, 26.
Caledonia, Vol. II. p. 440.

^h Chart. of Glasgow p. 186, first mentions it. See Caledonia.

The first Fraser who is supposed to be found in charters, is ⁱ Gil-

ⁱ Douglas's Peerage, 427.

* The pride of ancestry has given rise to a line of Frasers, thanes of the Isle of Man, beyond even these early times. According to our annalists, Pierre Fraser, Seigneur de Troile, a Frenchman, came to Scotland anno 800, with the ambassadors of Charlemagne, and his son was created Thane of Man in the year 814. It requires but a very slight investigation to overthrow this fable. After the notices left us by Ptolemy, Pliny and Orosius, we have little accurate information of the Isle of Man, till the 10th century, when Orry, a Danish Prince, subjugated it. The settlers of all the Hebridean Isles (Man included) prior to the Scandinavian invasions, were undoubtedly Celtic; but by the 10th century all traces of their ancestry were lost in the overwhelming desolation of their conquerors. The successors of Orry gave way about the middle of the 11th century to Godred Corvan, founder of the Norwegian dynasty, which expired in 1265. Alexander III. acquired both Man and the Hebrides by treaty in 1266.* The former was wrested from the Scots in the reign of Edward III. by Sir William Montacute, afterwards Earl of Salisbury. He was crowned King in 1344,—it then passed to the Percies; and upon their attainder by Henry IV. was gifted to Sir John Stanley. On the death of James the last of the Stanleys, it fell into the hands of James, second Duke of Athol, in whose posterity it continued till the sovereignty of the isle was resigned on 7th March 1765, for £70,000. From this sketch it is apparent, 1st, That prior to the 10th century, a Celtic colony held Man. 2d, That this island was only attached to the Scottish domains in 1266.

* Torfæus's Hist. of Norway, IV. 343.

As the first position is an historical fact, it is nonsense to assign to a Norman tribe in the year 814, a dignity unknown to the people; for the thanes and thanedoms of early times, as they derived their names and policy from a Teutonic origin, were repugnant to the feelings of a Celtic race.† In the next place, the Scottish Sovereign possessed no controul over a territory, owning the supremacy of its own rulers. Further, it is an absurdity to suppose that a Norman family, settling here in the reign of Achaius, should transmit their surname from father to son, hereditarily, when we know no such custom prevailed

† Caledonia, I. 716.

bert de Fraser, who is said to be a witness to a charter of Cospatrick to the monks of Coldstream, during the reign of Alexander I. The lands of Hales, in East Lothian,^k were held by him under the Earls of Dunbar. He possessed large estates, both in Tweeddale and Lothian. Oliver, his eldest son, flourished with Joceline, Bishop of Glasgow, from 1175 to 1199,^l but dying without issue, Adam Fraser, his nephew, succeeded him. Oliver built, and gave his name to Oliver Castle, towards the end of the 12th century.^m Udard Fraser, Gilbert's second son, settled in Peebles-shire. A third son was probably the father of Bernard Fraser, who rose to eminence in the reign of Alexander II. A daughterⁿ of Gilbert's marrying Ness, had for her portion a part of North Hales, which this Bernard claimed as his heritage; and the same was acknowledged by her during her widowhood, in the court of their superior lord, the Earl of Dunbar, to be Bernard's right.

^o Adam, Udard's son, inherited his father's property, as well as the estates of Oliver, his uncle. Lawrence, his son, succeeded and confirmed, not only his father's charters, but those of Bernard. He is a witness to a charter of the ward of East Nisbet, by Patrick, Earl of Dunbar, to the monks of Coldinghame, about the year 1261. Laurentius Fraser, dominus de Drumelzier, possessed the lands of Mackerston. He left a son, Laurence, who lived during the succession war, whose eldest daughter carrying his estate of Drumelzier^p into the family of Tweedie, united in her person the blood of the Frasers, both of Oliver Castle and Drumelzier.^q Fraser of Fruid was of this latter family.

Laurence Fraser's second daughter married Dougal M'Dougal, and brought with her the estate of Mackerston, in the reign of David II.^r Their son, Fergus M'Dougal, had a charter of the same barony, on the resignation of his mother, dated 3d May, in the 4th year of Robert II's reign.^s

either in France or Scotland; nay, that in point of fact, surnames were unknown in the latter kingdom, till the reign of Malcolm Ceanmore, if so early. Yet on so feeble a basis stand the uncontradicted fables of our senachies.

^k Caledonia, Vol. II. p. 440.

^l Caledonia, Vol. I. p. 555. Chart. Newbottle, No. 81.

^m Caledonia, Vol. I. p. 555 and 2d Vol. p. 918. Nisbet's Heraldry, Part II. p. 388.
ⁿ Caledonia, I. p. 555.

^o Ibid. and Chart. Newbottle.

^p Chart. Coldingham.

^q Cardonell's Antiquities, 2d vol.

^r Cardonell's Antiquities, 2d vol.

^s Remarks on Ragman roll, 30. Reg. Mag. Sig. 101.

Of the third son of Gilbert, the Peerage writers are totally silent, although they speak of his descendants, and the subject is ever likely to remain in darkness. Abercromby and Crawford^t mention a *Simon Fraser*, who is said to have married the eldest daughter of Walter, first Great Steward of Scotland; ^u but if he be not a fabulous personage, we have at least no clue but this vague and unsatisfactory statement to the period of his existence, to say nothing of the difficulties which have puzzled the learned, in the history of Walter himself. *

We find, however, a *Simon Fraser* enjoying the lands of Keth, in East Lothian, in the reign of David I.^v Under Malcolm IV. we see him granting to the monks of Kelso the church of Keth, with some lands, and the right of pasturage.^w The grant is confirmed, both by Malcolm and his successor.^x He appears again, in a charter to the monks of Coldingham,^y in 1184, in the reign of William the Lion. His only daughter, Eda, married Hugh Lorens. Before 1165, “Hugo de Lorens et Eda uxor ejus *filia*, et *hæres* Symonis Fraser,” made a grant of the church of Keith to the *Abbacy* of Kelso.^z By her Hugh had a daughter, likewise called Eda, who married Hervey, son of Philip, the king’s mareschal, and by her Hervey obtained the lands of Keth-Symon, thus named from Symon Fraser.

His great grand-father, Hervey de Keith, had a controversy with the monks of Kelso about the allowance to be paid them for his chapel of Keith Hervei. Joceline, bishop of Glasgow, and Osbert, abbot of Paisley, decided the dispute, by ordering 20 shillings to be annually paid to them, from the chapel and manor; and Richard, bishop of St Andrew’s, the diocesan, confirmed the sentence.^a Hovenden says this bishop died in 1180; but Chalmers makes it 1177.^b It would appear from Keith,^c that he is correct.

The old grants of Symon Fraser to the monks of Kelso were now confirmed by Hervey, son of Philip—and by John de Keith, *son of Her-*

^t Martial Achievements, Vol. I. p. 446. Officers of State, 268.

^u See also Simpson’s General. of Stewards, p. 23. Edit. 1712.

^v Caledonia, I. 553. Crawford’s Lives Officers of State, p. 269.

^w Ibid. 471. Chart. Kelso, No. 87.

^x Ibid. 90, 93.

^y Douglas’s Peerage, Caledonia, I. 553.

^z Additional Case for the Countess of Sutherland, chap. 1. p. 12. Chart. Kelso, No. 88.

^a Chart. Kelso, 97. *et seq.* f. 341.

^b Caled. Vol. II p. 533.

^c Keith’s Bish. Ed. 824, p. 12.

* He is said, by a MS. in the Advocates’ Library, to have been the son of *John*, who was the eldest of the three brothers at Malcolm Ceanmore’s Court, and who was present at Alnwick, where that king was slain, A. D. 1093.—Page 15.

^d Chart. Kelso,
No. 89.

^e Chart. Soltre, 26.

^f Caledonia, I. 553.
Chart. Newbottle,
No. 101-2.

^g Robertson's In-
dex, 41-2.

^h Chart. Melrose
xxxiii. and
Crawford's Lives
Officers of State,
269, Chart. Cold-
stream, 7.

ⁱ Annals of the
Fraser, 19.

^k Chart. Newbottle,
120-1.

^l Annals of Fraser,
17.

^m Chart of New-
bottle, No. 186.
Caledonia, I. 553.

ⁿ Feœdera, t. 1. p. 1.
p. 131. Crawford's
Officers of State.

^o Robertson's In-
dex, 76.

vey.^d King Alexander II. confirms both charters. Thus the daughter and grand-daughter of Symon Fraser carried his blood into the families of the Lorenses and Keiths. In the reign of Alexander III. John de Keith, *Mareschallus*, confirms to the hospital of Soltre^e some lands in the district of Johnneston, near Keith, which had been granted to them by his great grand-father Simon Fraser.

We have thus seen the name and possessions of the Frasers of Drumelzier and Keith carried into other channels. There yet remained a stem, from whence the family sprung up with increased lustre, in the person of *Bernard*, grandson of Gilbert,^f who flourished under Alexander I. He was probably a *brother* of Simon.* His mother was a daughter of Ness, who held the lands of Fortun in East Lothian. He claimed and obtained the lands of North Hales, from his aunt Maria, daughter of Gilbert, who married Ness. In this district of Hales, so long the seat of their power, the Frasers were succeeded by the Gourlays,—and they again by the Hepburns.^g Throughout the reign of Alexander II., Bernard appears as the chief of the family, and is a frequent witness to that monarch's charters to the monks of Newbottle, and other religious communities.^h He raised himself by his talents, from being vassal, to be a tenant in chief to the King. By whatever means,—he acquired the territory of Oliver Castleⁱ—and transmitted the same to his posterity.

Besides an interest in Tweeddale, he held the lands of Hales in East Lothian.^k He granted a mortification to the monks of Newbottle, for the safety of his own soul and the souls of his predecessors, before these witnesses, Domino Rege Alexandro, William Bondington, Chancellor, and others.^l In 1234, he was appointed Sheriff of Stirling, an honour long hereditary in his family.^m He was one of the barones or magnates Scotiæ, who swore to the peace agreed on between Alexander II. and Henry III. of England, at York, anno 1237—by the mediation of Otto the Cardinal Legate.ⁿ He witnessed a charter of Alexander II. in 1247,^o

* The Annals of the Family of Fraser say positively he was so. P. 17, 19. He is made a brother accordingly in the Genealogical Tree.

and he is said to have died in 1250, an aged and respectable person.^p But it would appear he survived that period; for we find Bernard Fraser a witness to a charter of the church of Foghou, by William, son of Patrick Earl of Dunbar, to the monks of Kelso—though no date be mentioned—evidently about the year 1258.^q Bernard Fraser is said to have married Mary Ogilvie, daughter of Gilchrist, thane of Angus, whose mother, Marjory, was sister to King Malcolm IV. and King William the Lion,^r and daughter to Prince Henry.* Bernard's eldest daughter, Fenella, married Sir Colin Campbell of Lochow. The second, Helen, died a nun, in the priory of Coldingham.[†]

^p Caledonia, 1. p. 554.

^q Chart. Kelso, Transcript, No. 299.

^r Annals of the Frasers, p. 19. Wardlaw MS.

To Bernard Fraser succeeded his son *Sir Gilbert*;^s who was "Vicecomes de Traquair," in the reigns of Alexander II. and III.

^s Caledonia, I. 554.

He was the father of Sir Simon Fraser, who succeeded to the office of Sheriff of Tweeddale;^t 2d, of Sir Andrew of Caithness, and Sheriff of Stirling; 3d, of William Bishop of Saint Andrews and Chancellor.^u

^t Chart. de Soltre, No. 8.

^u Caledonia, 1. p. 554.

Alexander II. addressed a precept to the Sheriff and Bailies of Traquair, ordering them to imprison excommunicated persons, dated 15th

* Margaret, daughter to Prince Henry, and sister of King Malcolm IV. and William I. married Conan Duke of Brittany, of whom the family of Bourbon is descended. Ada, the 2d daughter, married Florence Earl of Holland, of whom the family of Austria is sprung.—*Vide D. Stewart, Geneal. and Hist. Account of the Stewarts*, 1739, p. 13.—Note from that work. Though Abercromby, 404, cites the Chronicle of Melrose for this; yet, by the account he gives of Conan, Duke of Brittany, 245, it is not probable he married Prince Henry's daughter; but it is possible he is right as to Adama or Ada's marriage, for the Earl of Holland was one of the competitors for the Crown, as come of Ada, sister to King William.—*Vide Fœdera*, Tom 2. Sir James Dalrymple agrees with Abercromby, and says the eldest was married in 1160, and the second in 1162.

† *Brown*, in his *Historical and Genealogical Tree of the Stewarts*, thus traces the pedigree from the daughter of Walter first, Great Steward:—

Walter's eldest daughter, Marion, married Alexander Fraser, 11th Chieftain, and Thane of Man; and had,

1. Sir Simon Fraser of Oliver Castle, from whom maternally descended the famous Sir William Wallace;

2. Bernard Fraser, married to Mary, daughter of Gilchrist Earl of Angus; from whom sprung Sir Simon Fraser, ancestor of the Lords Lovat and Salton.

July 1242;—and another, perhaps earlier, addressed to *Gilbert Fraser*, and John de Vallibus, Sheriff of Edinburgh, to ascertain and return, by the oaths of their good men, the extent of the pasture of Lethanhope.^u

^u Caledonia, II. 921.

Gilbert Fraser is supposed to have been the second person who enjoyed the dignity of Sheriff of Traquair.^v During the time of William, Bishop of Glasgow, who filled the Episcopal chair from 1233 to 1258,^w he held a court for deciding a contest about some lands in Stobo, between the Bishop and Mariota, daughter of Samuel. The lawsuit was carried, by the King's precept, before Gilbert, "*tunc Vicecomes de Traquair*," and Mariota resigned her claim to the lands—"in curia vicecomitatu de *Traquer*." Gilbert was a witness to a charter of Eugene, son of Amabill, resigning his mansion of Stobo to the same Bishop. As Sheriff of Traquair, he is again witness to a charter of Christiana, granting lands to the church of St Mary, during the reign of Alexander III.^x

^v Ibid. II. p. 920.

^w Keith's Bish. ed. 1824, p. 238-9.

^x Caledonia, II. p. 921.

Sir Simon Fraser succeeded his father Sir Gilbert. Alexander II. having led an army against Angus, Lord of Argyll, who had refused homage for the Hebrides, died at Kerrary, on the coast of Argyll, 8th July 1249.^y He is said to have gone in pilgrimage to Iona, before his death, whither Sir Simon Fraser accompanied him, attending likewise at his interment in the Abbey of Melrose.^a His son, Alexander III. mounted the throne on the 8th July 1249, when Sir Simon Fraser was among the witnesses of his coronation.^b On this occasion, a Gaelic Senachy pronounced his benison on the youthful King, in his country's language, and repeated, in the absence of heralds, his genealogy from the founders of the monarchy. Sir Simon was in high favour with the Queen-Mother, and appears to have been no less so with her son, who knighted him,^c and conferred on him the office of High Sheriff of the county of Tweeddale, in the beginning of his reign.^{d*} Mr Chalmers says he held that honour from 1263 to 1266.^e

^y Caledonia, I. p. 639.

^a Wardlaw MSS. of Frasers.

^b Annals of the Frasers, 20.

^c Wardlaw MSS.

^d Chart. de Soltre, No. 8.

^e Caledonia, I. 554.

* It is said that the family were honoured with the title of High Sheriffs of the county of Peebles, so early as the reign of Malcolm IV. A. D. 1153, under the appellation of *Viccomes de Traquair*.—*Memoires de la Vie du Lord Lovat*; Amsterdam, 1747, p. 2.

On the 25th July 1264, Alexander III. directs a precept to him, commanding him to pay annually out of the mill of Peebles, half a chaldar of oatmeal to the hospital of Soltre.^g He was a witness to a charter of that monarch, dated at Traquair on the 12th December 1264.^h He witnesses a deed to the monks of Kelso, in 1266.ⁱ During the reign of Alexander III. Sir Simon grants to the monks of Melrose, the lands of St. Kingledors, with the Chapel of St Cuthbert, and lands of Hop-Carskine.^k Crawford^l writes Kelso in place of Melrose. Dominus Simon Fraser appends his seal to a charter by Hugh Crawford, giving his lands of Draffan to the monks of Kelso, anno 1271.^m He is a witness to a charter by the Earl of Dunbar, to the monks of Coldingham, 1279. Sir Simon daily grew into power and affluence; he possessed the lands of *Oliver Castle*, *Needpath*, and others in Tweeddale. His name occurs among the "barones regni Scotiæ," by whom Alexander III. got the succession to the throne of his granddaughter, the Maid of Norway, acknowledged, 5th February 1283.ⁿ The original deed is still extant in the Chapter-house of Westminster.^o

Sir Simon Fraser was likewise one of the barons who wrote to Edward the first,—on the proposed marriage of this princess to Prince Edward, his son, anno 1289.^p In 1290, he sat in the numerous Parliament at Brigham. He supported the title of Baliol till basely surrendered by himself, and in conjunction with his brothers, William and Sir Andrew,—and his cousin Sir Richard Fraser, was appointed an arbiter by the Baliol, for determining the right of the several competitors to the Crown, 5th June 1291.^r According to Rymer, he swore fealty to the King of England, on the 12th of the same month at Norham,^s and on the 23d July following, at the monastery of Lindores; ^t being designed nobilis vir Simon de Freshele.*

A precept is issued to Simon Fraser, as keeper of the forest of Selkirk, by Edward I., on the 18th August 1291, enjoining him to deliver

^g Chart. Soltre, 8.

^h Dipl. Scotiæ, pl. 36.

ⁱ Chart. Kelso, 189.

^k Caledonia, II. p. 957.

^l Off. of State, 271.

^m Chart. Kelso, No. 4, M'Farlan's Transcript.

ⁿ Fœdera, T. I. P. II. p. 228.

^o Robertson's Index, Appendix, p. 3.

^p Fœdera, T. I. P. III. p. 66.

^q Caledonia, I. 554.

^r Fœdera, T. I. P. III. p. 98, Crawford's Officers of State.

^s Fœdera, T. I. P. III. p. 103.

^t Prynn, III. 510.

* Among the Frasers who swore fealty, occurs the name of Richard,* who is termed, in the Ragman Roll, del Conte de Dumfries. He was probably the cousin of Sir Simon filius.

* Prynn, III. 362. Fœdera, I. p. 180.

to William Fraser, Bishop of St Andrew's, 30 harts ; to Robert, Bishop of Glasgow, 20 harts and 60 oaks ; to Adam, Bishop of Caithness, and Chancellor of Scotland, 10 harts ; to James, Steward of Scotland, 20 harts ; to Patrick Dunbar, Earl of March, 10 harts ; to William Sinclair, 6 ; to Brian, Preceptor of the Knights Templars in Scotland, 2 harts and four oaks : and different numbers to other persons.^u The same forester is ordered again to give to the Abbot of Jedworth, 6 harts ; and to Adam de Botendon, Vice-Chancellor of Scotland, 4 harts.^v

^u Rot. Scotiæ, 4-5.

^v Ibid. 9.

^w Ibid. 7.

Sir Simon died in 1291 ; ^w the feudal casualty of " the marriage of Mary, widow of Simon Frisel deceased, qui de corona Scotie tenuit incapite," is granted by King Edward I. to Richard Seward, 22d April 1294.^x

^x Ibid. 20.

^y Remarks on Ragman Roll, 13.

Andrew, the immediate younger brother of Simon, was Sheriff of Stirling in 1291 and 1293.^y We shall have occasion to refer more minutely to him in the sequel.

^z Keith's Bishops, 13.

The youngest brother of *Sir Simon* was *William*, Bishop of St Andrew's, ^z and chancellor of the kingdom under Alexander III. He was consecrated Bishop at Rome by Pope Nicolas III. 14th Kal. Januarij, anno 1280. ^a He was one of the lords of the regency chosen by the states during the nonage of the infant Queen Margaret. ^b As one of the Regents, he was appointed to treat with the Norwegian plenipotentiaries on his young mistress's affairs. ^c He rendered a compelled homage to Edward I. on the death of the princess in 1291 ; was created by him one of the guardians of Scotland, ^d but soon threw off the yoke, and became a bright ornament of his country in her struggle for independence. ^e Whilst in favour with Edward, that Prince granted to him the *marriage* of a widow, " nob. Amabile que fuit uxor Petri de Morthington defuncti," on 20th January 1291-2. ^f " Habend absq. dispagatione ita qd. ille cui debet maritali nob. et regno Scotie fidelis existat." Within a month after the accession of John Baliol to the throne, Bishop Fraser joined with several other powerful men in a complaint against the King of England for withdrawing causes out of Scotland, contrary to his

^a Ibid.

^b Rymer. Crawford's Lives, Hailes' Annals, Vol. I. p. 185.

^c Hailes' Ann. I. 186.

^d Rot. Scot. I.

^e Crawford's Lives Off. of State, 271.

^f Rot. Scot. 7.

engagement and promises. A citizen of Berwick had appealed from the adjudication of Baliol's officers for administering justice in Scotland. The latter opposed so gross a mockery of his authority ; but the haughty reply of his lord paramount silenced opposition, and left nothing to the timid sovereign but forbearance and assent. Notwithstanding this check, Bishop Fraser continued his patriotic career undaunted. By his command Sir William Wallace put all the English out of their church benefices in Scotland.^g Whatever truth may be in the assertion, that the invasion of Edward, and the miseries thereby entailed on Scotland, were the offspring of the Bishop's insinuations,^h it is certain he now made ample amends for his past faults. Yet it may not be improper to hazard the conjecture, that the letter addressed by him to Edward,ⁱ 7th October 1290, was rather the offspring of an earnest desire for the prevention of civil war, than the crafty policy of a disloyal citizen bent on the overthrow of his country. The epistle may breath the language of a courtier ; but it is to be hoped a speedy and successful termination to Baliol's pretensions, and the removal of intestine discord, were the motives for an act so pregnant with danger. The Scottish statesmen had yet to be made acquainted with the crafty temper and ambitious policy of Edward. Winton tells us, that it was to this prelate the Bishops of St Andrew's owed their privilege of coining money ; he having obtained this liberty from King Alexander III. in the year 1283.^k He granted the church of Kirkcoun, near Stirling, to the monks of Cambuskenneth, and his grant was ratified by his successor.

In the year 1295, Baliol negotiated a fatal alliance with Philip the French King, by which the latter agreed to give him his niece, the eldest daughter of Charles Count of Anjou, in marriage for his son and heir. *William Fraser, Bishop of St Andrew's*, Matthew Bishop of Dunkeld, Sir John de Soulis, and Sir Ingeram de Umfraville, were the Scottish commissioners, (says Lord Hailes), " who concluded this *original* treaty, the ground-work of many more equally honourable and ruinous to Scotland."^l

^g Crawford's Lives

^h Caledonia, I. 648.

ⁱ Feederia, II. 1090.
Hailes's Ann. I.
196-7.

^k Winton's Chronicle, p. 528.

^l Annals, Third Edition, 1819. Vol. I. p. 284.

Whilst Bishop Fraser was thus intent on promoting the welfare of Scotland, a mortal distemper seized upon him, and he lived not to behold the triumph of those measures entered upon by his advice, and persisted in by his counsels. Worn out, from continued exertions, he retired to France, where grief for the disasters of his country put a period to his life at Arteville on the 13th September 1297. His body was buried in the church of the Friars Predicants in Paris ; but his heart, enclosed in a rich box, was brought to Scotland by his successor, Bishop Lamberton, and entombed in the wall of the cathedral church of St Andrew's, near to the tomb of Bishop Gameline.^m—Bishop Fraser's seal, the fraises on which connect him with the Tweeddale stock, may be seen in Anderson's Collection.ⁿ

^m Crawl. Off. of State. Fœdera.

ⁿ Keith, 13.

^o Diplomata, Plate 100.

^p Prymne, III. 503. Fœdera, Vol. I. Part II. p. 767.

To Sir Simon Fraser, called in the records of the time *pater*,^p to distinguish him from his heir, succeeded his only son,

SIR SIMON, styled *Filius*.

In an age fruitful of heroes, this warrior became eminently conspicuous. Sir Simon has been termed by a great living bard,^q “ the flower “ of chivalry”—and the learned Chalmers has borne testimony to his merits,^r as one of the most distinguished statesmen and gallant soldiers, during a struggle when it required all the wisdom and all the valour of Scotland to preserve her independence.

^q Lord of the Isles, p. 70. St. 27.

^r Caledonia, I. 551. Anderson's Diplomata, p. 113. Baillie's Metrical Legends, 13, 98.

On succeeding to his paternal inheritance, we find him ratifying the grant, which Sir Simon his father had made to the monks of Melrose ; and the name of Andree Fraser, militi, occurs as a witness to these deeds.^s

^s Officers of State, 271.

On the 12th May, 1292, Edward I. directs his precept to Master Alan of Dumfries, Chancellor of Scotland, commanding him to issue letters under the seal of the kingdom, discharging Simon Fraser of 100 merks, as the relief due by him for all his lands held of his Majesty in Scotland.^t A mandate is addressed by Edward, on 3d September 1296, to the different Sheriffs of Scotland, directing them to restore various sub-tenants to their possessions ; amongst others to the Sheriff of Larnark, in favour of Richard Horsley, a tenant of Simon Frezel.^u

^t Rot. Scotia, 9. Aylloffe's Ancient Charters, 108.

^u Rot. Scot. 27.

Appearing early in arms, on the death of his father, which event took place soon after his submission to Edward, in 1291, * he behaved, on all occasions, with uniform consistency, combating the pretensions of the English monarch in the field and in the council. When the latter's better genius prevailed, Sir Simon Fraser was one of those patriots whom the chance of war placed in his hands. It was too evidently the policy of Edward to remove his captives from the scenes of their patriotism and renown. Sir Simon was carried prisoner to London, ^v where he was detained till June 1297. On the 28th of May, that year, he engaged to serve King Edward in his wars against France, promising to return to Scotland, and equip himself for the expedition. His family was left at the tyrant's mercy, if he failed, and his cousin, Richard Fraser, became a party for his performance. ^w The desire of liberty most probably influenced him to a concession so inconsistent with his principles. Whether Sir Simon did implement his engagement is uncertain; ^x but, on the 21st of August, 1297, we find him restored to the enjoyment of his estates, to be held at the king's pleasure; ^y and, on the 4th of October, in the 26th year of Edward's reign, a command is issued for his attendance to the Scottish wars. ^z Sir Simon, like others of his countrymen, doubtless considered concessions extracted by force as nowise imperative; and, on his return to Scotland, repaired to the Guardian, Sir William Wallace. A truce having been concluded at Dumfries, on the 30th of October 1300, by the mediation of France, between Edward and the Scots, notification of the same was made to Sir Simon Fraser, "Gardiano Forestæ de Selscirk."^a He had proved too dangerous an adversary to be entrusted with power. We find him, accordingly, superseded from the wardenship of the forest, in 1304, by Aymer de Valance, ^b the same

^v Caledonia, I. 554.
Fœdera, II. 567,
570. Remarks on
Ragman Roll, 15.

^w Fœdera, I. Part
III. p. 180.

^x Martial Achievements, I. 553.

^y Rot. Scot. 46.

^z Maddox Excheq.
I. p. 654. Fœdera,
I. P. III. p. 204.

^a Fœdera, I. Part
IV. p. 4.

^b Caledonia, II.
924.

* That Sir Simon *Pater* died in 1291, is evident from Edward I. granting, on the 15th January, 1291-2, to William, son of John Cumine, the keeping, during his pleasure, of the forests of Trequer and Selschirche, in the same manner as Simon Fraser, who died in autumn 1291, held the same.*

* Rot. Scot. 7.
Ayloffe, 111.

* Federa, I. 995.

a Ayloffe, 149.

A. D. 1303.

c Crawford's Off. of State, 271.
Abercromby, Mar-
tial Achievements,
I. 555.

f Wynton's Chron.
B. VIII. c. 16.
Fordun, Lib. XII.
cap. 2.
Bellenden, Chron.
3d Book.
Hemingford, I.
197-8.
Trivetius, 336.

g 8th Book, p. 317.

nobleman whom a temporary success afterwards placed in the paternal inheritance of Sir Simon.^c During the 8th year of the reign of Edward III. the Countess of Marr appears to have laid claim to the office of sheriff of Roxburgh and custody of Selkirk Forest, as there is a writ of the King's, ordering inquiry to be made if such was her right.^d

As if to compensate for the loss of an honourable office, his countrymen had, in the year preceding, rewarded Sir Simon Fraser's meritorious exertions, by raising him to the supreme command.^e When Sir William Wallace, in the General Assembly of the nobles at Perth, threw down the commission which their pride rendered of little avail, Sir Simon Fraser was unanimously chosen, as every way fitted, by birth and military skill, to be his successor; and he was accordingly joined with Sir John Cumine of Badenoch in the government of the kingdom. Circumstances soon called for a display of his abilities. The English having broken the truce subsisting between the two nations, passed the borders in February 1303, and advanced to Roslin, near Edinburgh, without encountering opposition. With a force of not more than 10,000 men, the Scottish Generals, Sir John Cumine and Sir Simon Fraser, marched against their enemies, who outnumbered them by nearly three to one. Undismayed at the disparity of force, they gave battle; and, in three successive engagements, overthrew, in one day, the whole army of the invaders.^f

The circumstances under which this action was fought have been minutely detailed by the Scottish historians, who have, with a commendable vanity, exulted in the daring prowess of their countrymen. Much as it contributed to rouse the energies of the nation at large, it was of material importance in impressing a lofty estimate of Scottish valour upon the other states of Europe, now to be convinced, that the contest was one of no mean interest; but, upon the contrary, presented the august spectacle of a people combating for political existence. Buchanan^g has ignorantly assigned to John Fraser the glory of this splendid day. Independently, however, of Fordun, Rymer, and other authors making

the hero of it *Simon*, we have his own testimony, in a subsequent passage,^b for giving the credit of the victory to the latter.

^b Buchanan, 8. p. 355.

Edward, incensed at the opposition to his arms, entered Scotland the following May. On the 17th of that month he was at Roxburgh; on the 4th of June at Edinburgh, and marching northwards, he reached Kildrummy, near Nairn, on the 8th of October; from thence he returned to Kinloss on the 10th,ⁱ and did not, as has been sometimes asserted, extend his progress into Caithness. The journal of his route shews this most distinctly; he was at Elgin on his return on the 11th of October,^k and reached Dunfermline, where he wintered, the 11th of November. Here he rested till the 4th of May 1304; but he left his officers to prosecute the war, and they accordingly demolished several castles, and among others the castle of Urquhart, then included in Moray,^l and Downey or Beaufort, in the Aird.

ⁱ Caledonia, 1. 670.

^k Rot. Scot. 53.

^l Buchanan, B. 8. 349.

The first occupied the summit of a rocky peninsula, jutting into Loch Ness; and its bold remains, spurning the blue surface of the waters, are still an object of great interest to the tourist, as he casts his glance over the gorgeous landscape, where the indented sweep of the Urquhart mountains rises into the towering *Mealfourvonie*. Its importance in that distant age, must have been highly rated, for its garrison vigorously defended it against all assaults. It was at last, however, taken by storm, and the garrison and lord of it, Alexander Bois, (from whose son, if we may credit Boethius, the numerous clan of the Forbesses are descended), put to the sword.^m

^m Abercromby, Achievements, I. 516.

By the reduction of Urquhart, the English were in possession of the whole country, from east to west, with the exception of the castle of Downey or Beaufort, situated in the romantic district of the Aird, about twelve miles from Inverness. It was necessary to subdue it before venturing into the more distant quarters of Ross and Caithness; for it would be obviously a rallying point to the enemy, were the army to pass it by and cross the Murray firth. When Edward's officers marched against Beaufort, they found it necessary to institute a regular siege. It was therefore approached according to the rules of the time, and by the

throwing of stones by *catapultæ*, * from trenches still to be seen at 700 yards distance, it was dismantled and taken. The remains of the *Dune*, or fortification, are still visible. † The country people have a romantic tradition of it, handed down from father to son, and the names of some places round about preserve the memory of its surrender; as, for instance, the hollow to the east of Beaufort, where the army halted, is called in the language of the country *Lagnaloncart*, *i. e.* the hollow of the baggage. ⁿ Beaufort, as well as its subsidiary fortalice, Lovat, were at this time forts belonging to the Crown, of which the Fentons and Grahames were Governors, even after the Byset's lands, on which they were built, had been gifted to the Frasers. They appear to have been held by Royal Constables from the attainder of the Bysets in 1242 to the year 1367, when Hugh Fraser does homage as laird of Lovat. ^o The first mention of the fort of Lovat ^p occurs in the reign of Alexander I. when that monarch, having made a successful expedition to the north in 1120, and quelled the insurrection of the people of Moray, who had revolted under Angus, their Maormor, settled different constables in the Castle of Elgin, the King's house of Inverness, and the Castle of Dingwall. ^q One Gilchrist M'Killweralicke was appointed Constable of the fort of Lovat, and is said to have surrounded it with a broad ditch, and built the front tower. His descendants, Gilchrists or Græmes, as they are called, continued in Lovat till the year 1170, when John Byset, a man of eminence at the court of William the Lion, married the King's own daughter, and settled there under royal authority. His second son, John, succeeded him, and married Jean Haliburton, daughter of the laird of Culbrynnie, anno 1206. Several petty vassals, from holding lands of

ⁿ Annals of the Frasers, 32.

^o Chart. Moray, Vol. I. p. 263.

^p Wardlaw MSS. of the Frasers.

^q Wynton's Cronykil, I. 283. Wardlaw MSS.

* It was a very ancient practice to throw *leaden bullets* from *catapultæ*. Edward I. stript the lead off the monastery of St Andrew's, for constructing the machines employed in the siege of Stirling. (*Hailes's Annals*, Vol. I. p. 380. 3d. Ed. 1819.)

† Beaufort Castle—taken a second time by Oliver Cromwell, and its inner citadel blown up. Taken a third time by the English troops, after the battle of Culloden, and entirely razed to the ground.

the Byset, were vulgarly styled the Bisset's Barons ; the chief of these were Tomson, Baron of Pharnua—Corbet, Baron of Drumchardiny,—Vic Gilandrish, Baron of Moniack,—Christy, Baron of Foynes,—Hali-burton, Baron of Culburnie, and Fenton, Baron of Eskadale. The Mac-Kays and the M'Ras, vassals of the Byset, inhabited the Clunes,—Achry-vaich,—Obriachan,—Kilfinnan and Urquhart.^s The M'Ras, on the change of masters, became subject to the Frasers.^t

^s Wardlaw MSS.

^t MSS. of M'Ras.

Whilst thus incidentally noticing the Fort of Lovat, it may be permitted me to take a rapid glance of the other regal strengths in this district of Moray. The meagre annals of our country supply but feeble light to the enquiry ; and the notices that remain to us are necessarily brief ; frequently unsatisfactory. This ample region comprehending from the Spey to the Beaully, and extending westwards to the limits of Argyll, formed the domain of the powerful Maormors of Moray, whose rebellious spirit called down the repeated vengeance of the royal authority.^u The laws had but slender hold on the rude inhabitants, or their chieftains. Hence it became necessary to establish constabularies, invested with ample power, as a check upon the native rulers. The æra of most of these strengths is lost in the darkness of fable. That of Inverness certainly goes back to a very remote age, whose events yet glow in the page of Shakespeare. But this fortress must not be confounded with another, situated on the slope above the river Ness, built, perhaps, as early as the 12th century, and finally destroyed in the rebellion of 1745. Often honoured by the presence of royalty, the scene of important events,—our writers, as in all cases where record is wanting, would ascribe its origin to Malcolm Canmore.^v It appears to have been held as a constabulary in earlier times, by the Earls of Ross, and subsequently by the Earls of Huntly.

^u Caledonia, I. 453, 621-7.

^v Statistical Account of Inverness.

If we could place reliance on the reveries of Boethius, we should assign to the ruins of Inverlochy Castle the honour of being the place where Achaius contracted the league with Charlemagne ! The building is quadrangular, and, including the towers, covers an acre and a half of ground. Three of the towers have been provided with sally-ports :

^w Pennant, I. 226.
Garnet, I. 307.

Every one is built with loop-holes, contrived to flank and defend the whole curtain of the rampart, as far as the next tower. The western is called *Cumine's* tower, and the name of Bancho is still attached to a walk below the Castle.^w Mr Pennant seems to consider the fortress as of no older date than the reign of Edward I.

^x King's Muni-
menta Antiqua,
Vol. III. p. 171.

The next strong-hold which we read of, worthy of regard, is Urquhart Castle. We have no notice of the age in which it was erected. The principal tower is of very ancient structure—attributable, perhaps, to its ancient masters, the Cumines.^x It is certain that the fortress had attained its greatest extent at the commencement of the 14th century, when it attracted the cupidity of Edward I. Prior to that period, its possessors held sway over an extended district, constituting a principality independent of the crown. On its reduction by Edward, Castle Urquhart was made a royal fort; and the domain, of which it was the head, annexed to the office of the Governor. The changes of revolution put it again in the power of its old rulers. Robert Lauder, Governor in 1334, maintained it against the Baliol faction.^y In 1359, the entire barony was vested in the Earl of Sutherland, by David II.—By the end of that century, it had passed to the Earl of Huntly. The family of Castle Grant obtained it in the year 1509, and secured their acquisition in the reign of James VI.^z A small chapel, dedicated to the Virgin, was erected in the 13th century, on the banks of Lochness, and in the vicinity of the Castle of Urquhart.^a

^y Garnet's Tour, I.
329.

^z Ibid.

^a Cordiner's Ruins
of North Britain.

Urquhart was converted into a priory by David I., anno 1125, in honour of the Trinity. It was a cell of Dunfermline, served by Benedictine monks. On the reformation, Alexander Seton was made commendator; and the priory lands were purchased by the family of Gordon about 1730.^b

^b Pennant, I. 301.

^c Shaw's Moray,
209.

Ruthven Castle, in Badenoch, was another seat of the Cumines.^c Queen Mary is said to have been a frequent visitor at this Castle, for the pleasures of the chace in the adjoining forests. There is a rocky mount which is called "*Stroan ne Paren*,"—Carn-Queen, on which she

either pitched her tent, or had other temporary residence.^d The author of the "Penniless Pilgrimage," mentions the noble reception he met with at Ruthven Castle, in the year 1618.

^d Cordiner's Ruins of North Britain, Vol. I.

There appears to have been a royal fort in very ancient times at Elgin, which was demolished by the Danes; and was in all likelihood perpetuated by another building, in a more recent age.^e It is certain, that prior to the conflict of Mortlich, Olavus Scandianus, and Enecus, two Danish leaders, gained possession of the Castles of Elgin, Nairn, and Forres.^f The Earls of Moray were constables of the fort of Elgin from the year 1313 to 1748—when heritable jurisdictions were abolished.^g It stood on a spot called Lady Hill. Within the court of the Castle was a draw-well;—a fosse environed the whole walls,—over which was a drawbridge. The Castles of Elgin and Forres were committed to the custody of Henry de Ry, upon the 3d September 1296, by Edward I.^h Another royal strength stood in the town of Nairn; of it no traces exist. The Thanes of Cawdor were hereditary constables of this fortalice.ⁱ

^e Gough's Camden's Britannia, III. p. 428.

^f Gordon's Itinerary Septentrionale, 159.
^g Pennant, 5th edition, I. p. 307.

^h Rot. Scot. 27.

ⁱ Gough's Camden, III. 430.

To the site of the Roman encampment at Forres, succeeded a defence built by some of our earlier Kings, and the residence of the Sheriff of Moray, till it was burnt at the reformation.^k A rude tower was erected at Duffus, perhaps in the reign of David the First.^l Castle Stewart was a favourite abode of James IV., and appears to have been designed for a hunting seat.

^k Ibid. 429.

^l Shaw, 208.

The royal forts being too few in number to curb the restless spirit of the people, our Kings were obliged to bestow extensive jurisdictions on eminent land-holders, with liberty to build fortalices, and exert an authority over particular districts.^m In a small island in Lochindort, in the hill country between Strathspey and Braemar, Shaw saw the entire skeleton of a strong fort. The Earl of Athol's lady fled to this spot, when, in the year 1335, the Earl of March had defeated and killed David de Strathbogie, Earl of Athol. Sir Alexander Gordon laid siege to it, but was forced to retire by King Edward.

^m Shaw, 202.
Pinkerton, I. 178.

The "Thane of Cawdor's" battlements yet stand a monument of

gloomy magnificence and despotic power. Through the arched portal the stranger is conducted alternately to the festive hall, and the don-jeon where the captive expired ; and within these walls he may conceive himself carried back to the darkest periods of our history. By the theft of the infant heiress by the Earl of Argyll, the thanedom of Cawdor was transferred to the Campbells. The Calders raised their clan, and attempted a rescue, but were defeated ; and the Earl married his prize to his second son, Sir John Campbell, about the year 1510.ⁿ

ⁿ Pennant, I. p. 172.

It no where appears that Darnaway was a royal fort ; but it certainly was the ancient habitation of the Earls of Moray :^o The baronial hall is perhaps one of the finest in the island. Besides these castellated retreats, we know there were similar ones in the neighbouring district of Ross. William the Lion marched into Ross in 1179, and built two strengths.^p Dingwall was long the seat of a powerful race of chieftains, who were only humbled by the battle of Harlaw.

^o Gough's Camden, III. 430.

^p Chron. Meil. 174.

After the defeat of the Earl of Ross, at that conflict, his territories were invaded and annexed to the Crown, by the Duke of Albany.^q

^q Pinkerton, I. 29.

It were presumptuous to enter an opinion on the vitrified masses of stone abounding in the mountainous regions of this country. The subject has engaged the attention, as it has excited the controversy, of numerous disputants ;—at all events, it is one more peculiarly falling within the province of the scientific observer. But, apart from the singularity of their construction, how and when formed ? it were not visionary to consider them the signal-posts from whence the inhabitants were apprised of a hostile movement. Certain it is, a circumvallation of these beacons is discernible, from the shores of the Beaully to the German Ocean ; from the latter to the bounds of Argyll, where, again assuming a northerly direction, they unite above the town of Inverness, at the summit of Craig-Phadric. “ The Stone of the Watchman ” still attests the point where a guard protected the pass of Clachnahayre. Such measures of defence were the resources of a rude age, and of a people ever in a state of warfare. Distressed from without by the bloody

Vikingr, whose fleets swept the ocean in every direction, Scotland experienced, for nearly 300 years, a continued invasion of her national domains, whilst her domestic quiet was torn by the rude dissensions of hostile and barbarous chieftains. Assailed by such calamities, what was left to each tribe to ensure its preservation, but an union of interests?

Before dismissing the subject, a word may be said on the structure of edifices for defence. The shape of the ancient castle, both in England and Wales, where they attained greater consistency of design, was irregular, varying with the caprice of the architect. The situation was generally on an eminence. The first member was the barbican,—a watch tower for descrying a distant enemy. It was always an outwork, and frequently advanced beyond the ditch, to which it was then joined by a draw-bridge. The next in order was the ditch. Over it was the draw-bridge leading to the ballium. The ballium was commonly flanked with towers, and had a parapet crenellated or garretted. The parapet often had the merlons pierced with long chinks, ending in round holes, called *oillets*. Within the ballium were the habitations of the garrison. An embattled gate, flanked by towers, and secured by the portcullis, led to the interior. In the centre stood the peel or dungeon; as it was the last retreat, often itself a counterpart of the outer fortification. In the remote districts of the north it was generally so guarded, having a moat, draw-bridge, &c. The shape of the peel was square, commonly four or five storeys high; and here the governor had his apartments.^r These remarks cannot be said to be strictly applicable to the Scottish fortalices, in mass; since many of these were merely single square towers; but they exhibit the style of architecture, in an age when safety was only to be purchased by a voluntary imprisonment within grated walls, and the law of force was the sole law given effect to.

On the 9th February, 1304, Cumine entered into a capitulation with the English king,^s by which he saved his own followers at the expence of his country; but Sir Simon Fraser, disdaining to submit,^t was, with Sir Thomas Boyes, banished three years, not only from Britain and Ireland, but also from France. So far, indeed, was he honoured by Ed-

^r Cardonell's *Antiquities*, 8.

^s Ryley's *Placita*, 369-70.

^t Prynn, III. 1056. 1119, 1121. Abercrombie, *Achievements*, I. 555. Hailes' *Annals*, Vol. I. p. 338-9 and 351. 3d edition, 1819. Blind Harry, 11th Book, p. 345.

* *Fœdera*, Vol. I.
Part 2. p. 374.

ward's enmity, as to be excepted out of the act of grace in 1304, and fined in three year's rent of his estate. ^u

^v *Caledonia*, I. 669.
Trivetus, 338.

The mock Council of St Andrew's had then bowed to the usurper's yoke ; but there remained a band of patriots, disdainful of the victor's clemency. Unmoved at the disasters of their country, these men thought no sacrifice too great for her deliverance, and no misfortune so foul as dishonour. The English monarch heard every tongue acknowledge his pretensions but Sir Simon Fraser, Sir William Wallace, and the garrison of Stirling. Indemnity was granted by the Great Council to every individual but them, and a decree was fulminated, denouncing them as outlaws. ^v

His countrymen have regarded the exploits of Wallace with feelings little short of idolatry. If to him be due the glory of being the first to awaken Scotland from her ignominious slumber, his efforts were nobly seconded by Sir Simon Fraser ; who alone of the aristocracy was indisposed to view with envy the merit which called this hero to command.

^w *Stow*, Chr. 209.

^x *M. Westminster*,
155.

^y *Ibid.* 456.
Trivetus, 342.

^z *Martial Achievements*, I. 571.
McKenzie's Lives of Eminent Scots Authors, Vol. I. p. 267.

Having, as he fancied, subdued Scotland, Edward departed, leaving the task of settling the government to the Bishop of Glasgow, the Earl of Carick, and John de Moubray. Wallace was soon after betrayed by Sir John Monteith, sheriff of Dunbarton, and suffered death on the 23d August, 1305, maintaining to the last the intrepidity of character which had so eminently distinguished him. ^w But his country found a new champion in Robert Bruce. An accidental circumstance threw his rival, Cumine, in his path, ^x and the mortal consequences of their interview led to an avowal of his pretensions to the throne. He was crowned on the 27th March, 1306, ^y with such materials as his necessities allowed. His followers were at first few, and his actions but unimportant ; but, amongst the earliest of his friends, we find Sir Simon Fraser. ^z The news of these events raised Edward's anger to the highest pitch. His fury knew no bounds, when he was told that a country, so often over-run by his arms, had yet courage to question his authority and deride his power. He immediately raised a large army, which he entrusted to the command of Rymer de Valance, Earl of Pembroke ; at the same time

exacting an oath from the Prince of Wales and the other leaders of the kingdom, that, were he to die in that expedition, they should not bury his body till a complete victory had been gained over the usurper and his accursed nation.^a Bruce, nowise intimidated at the magnitude of the preparations against him, nor dismayed by the defection of a considerable number of his subjects, who adhered to the Cumines, awaited the enemy with an inconsiderable army at Methven, near Perth.^b Here the English general surprised him in the night, and forced his camp, on the 24th June 1306.^c Bruce fought with the most determined valour. He was thrice dismounted, and as often replaced, by the unexampled gallantry of Sir Simon Fraser,^d but he was obliged to yield to fortune, and to take shelter, with a few followers, in the Western Isles.^e The scaffold awaited such of them as the fight had spared. After thrice rescuing the king, Sir Simon Fraser sealed his fidelity with his blood; for, being taken prisoner by David de Breghyn, and committed to the custody of Aymer de Valance, he was conveyed to London, and there executed, on the 8th September, 1306, under circumstances of horrible barbarity, which are detailed with peculiar minuteness by the English writers of the day.^f

When the rumour of this renowned warrior's capture went abroad, it seemed, says an old author,^g utterly incredible; for such was the confidence of his countrymen in his valour, that they asserted he never could be taken; and one Herbert de Norham, a man of lofty stature and elegant mien, consented to lose his head, should the report be true. When he saw Sir Simon led forth to execution, his own fate was decreed; and the same hour beheld the sufferings of Norham and Thomas de Boys, Sir Simon's armour-bearer. In the British Museum is the fragment of an old chronicle, written about the time of Henry VI. which gives a very curious detail of the capture and execution of Sir Simon Fraser. Ritson has published it as a note to a ballad in MS. of Edward II.'s time, in the Harleian library, No. 2253. Of the importance attached to Sir Simon's capture we may form an estimate, from the language of a cotemporary. "Captus est Simon Frisel in quo pendebat tota Scoto-

^a Hollingshed, II. p. 842. Froissart, t. I. c. 27. M. Westminster, 458.

^b Buchanan, B. VIII. p. 352.

^c Henry's Britain, Vol. VII. p. 114. Abercrombie Achievements, I. 576. M. Westminster, p. 459.

^d Walsingham. Prynn, III. 1123.

^e Hume's England, Vol. II. p. 317.

A. D. 1306.

^f Ibid.

Hemingsf. Vol. I. p. 223. Abercromby, Achievements, I. 555-6.

Maitland's Hist. of Scotland, Vol. I. p. 475.

Notes to Lord of the Isles, Stanza 27. Scot's Hist. of Scotland, 183.

^g M. Westminster, 460.

^h Leland's Antiq. Collect. I. p. 271.
ⁱ Prynn, II. 1126.

^k Buchanan, B. VIII. p. 554.

^l Lib. 4.
^m Lib. 10.
ⁿ B. VIII. 355.

^o Caledonia, Vol. II. p. 921. Foedera, Vol. I. p. 995. Ritson's Songs, Edit. 1790, p. 5 & 10.
^p Hope's Major Practicks. Doug. Peer. II. 603, 630. Caledonia, I. 554.

^q Gibson's Antiq. II. p. 222-3.
^r ——— II. p. 842.

^s Fraser Annals, 26.

^t Caledonia, I. 596.

rum fiducia.”^h His head was exposed on London bridge beside the head of his friend William Wallace.ⁱ

The King was still a fugitive in the wilds of the Æbudæ, and was generally supposed to be dead, when the^k sudden recovery of the Castle of Carrick and Inverness inspired his friends with fresh courage, and drew forth their resources; so that, in a short time, all the strong-holds in the north were in their possession. The honour of giving this favourable turn to his Majesty's affairs is ascribed by Major^l and Dempster^m to Sir Simon Fraser; and Buchanan also makes his deathⁿ subsequent to the fight at Methven, and the recovery of the northern fastnesses. The loose intimation of these writers, who give no dates, in opposition to the authorities for his capture at Methven, some of whom were coeval with the hero, incline for the latter.^o

Sir Simon Fraser left no son to avenge his wrongs. His two daughters divided his extensive estates between them.^p * With him may be said to expire the direct male line of the south country Frasers, though, it will be seen, they still retained a partial interest in that quarter, after having been undoubtedly the most conspicuous family in Peebles-shire, during the Scoto-Saxon period of our history, from 1097 to 1306. The ruins of the castles of Oliver, Fruid, Drumelzier and Needpath, attest their ancient greatness.^q The Lord Simon de Friseil is the title by which Hollingshed^r addresses the Great Chieftain of these important territories. Sir Simon is said to have married Mary, daughter of Bisset of Lovat, and thereby have laid the foundation of the illustrious house of the Lords Fraser of Lovat.^s This popular opinion is by no means correct; for Mary Bisset, daughter of Bisset of Lovat, was married to Gregory le Grant,^t whose sons witness an agreement between John Bisset and

* Theory, ever at variance with record, has made the two ladies who married the ancestors of Yester and Fleming, daughters of Sir Simon *pater*, in place of Sir Simon *filius*; and not content with this loose intimation, chronologists must publish the fabled grant of the lordship of Lovat by Alexander III. to Sir Simon *pater*.^{*} The author of the “Annals” must have taken this fabulous production from the Appendix to the MS. in the Advocates' Library, so often referred to in this work.

^{*} Annals of Frasers, 22.

Archibald Bishop of Moray, on the 9th of September 1258,^u about the church of Conway and lands of Erchless.

^u Chart. Moray, I. p. 126.

At this time Sir Simon was only *two* years old, according to a MS. of the Salton family.^v Besides, Sir John Bisset, last of Lovat,^w (1258), had no heirs-male,^x and left but *three* daughters,

^v In Author's hands.
^w Chart. Moray, 183.

^x Nisbet's Heraldry, Vol. I. p. 87.

1. *Mary*, the eldest, married David de Graham, knight, designed thereafter "de Loveth."^y

^y Remarks on Ragman Roll, 13.

2. *Cecilia*, the second, William Fenton of Beaufort.

3. *Elizabeth*, the youngest, Sir Andrew de Boscho,^{*} Dominus de Redcastle,^z by whom she had a daughter, Maria de Boscho, who is designed *Domina* de Kilravock; which lands and estate she brought to her husband, Hugh de Roos, from the south country. From this alliance is sprung Rose of Kilravock.^a

^z Ibid. MSS. of Kilravock in MacFarlan Collection in Advocates' Library

^a Remarks on Ragman Roll, 15.

Hugo de Roos, designed "Dominus de Geddes," in the foundation-charter of the priory of Beaulieu, Anno 1230,^b and his wife, Mary (daughter of Sir Andrew de Boscho and Elizabeth Bisset), obtained a charter of the barony of Kilravock, from John Baliol, Anno 1293.^c†

^b MS. Hist. of Kilravock.

^c Poenes Kilravock.

Shaw,^d a great stickler for the match between the Frasers and Bissets, evidently did not know of the *four* daughters of the latter, whom record has made us acquainted with. He calls *Mary* alternately "Lady Lovat" and "Lady Graham;" and, puzzled to account for this, he says, "Either, then, Simon Fraser's wife was Mary Bisset, *widow* of Sir David Graham, and well stricken in years; or the daughter of Sir David became heiress of Lovat on her brother Patrick's death without issue."

^d Hist. of Moray, p. 118, 135.

^{*} *Boscho*.—This was a family of importance. William de Boscho appears in the chartularies, as chancellor of the kingdom, in 1241, and there are charters to them of the lands of Easter Dodingstone, in the same year.^{*}

^{*} Chart. Kelso, McFarlan's Transcript, No. 239, 450.

† *Vide* Diplomata Prioratus de Bello Loco XXII. p. 441 (Trans. Ad. Lib.), where there is a charter "fratribus Vallis Caulium," wherein Cecilia Byset, designed "sponsa quondam domini William de Fenton," grants to the monks the lands of Altir, which belonged to her in right of inheritance.

Elizabeth is documented, in a charter to the same monks, Anno 1278, wherein her husband, Andrea de Boscho, is called Dominus de Edirdor. XII. 417.—Ibid.

There is no evidence for either hypothesis :—For, 1st, David Graham here spoken of was *brother*, not *father* to Patrick ; ^e was a prisoner in England till 1297 ; and appears in the famous letter to the Pope in 1320, *after* Simon Fraser's death. ^f

2^{do}, Patrick did not die without issue ; but left a son, David, likewise taken prisoner, and detained till 1297, ^h who died soon after the demise of Robert the Bruce. ⁱ

Of the family of the Bissets thus noticed, it may not be uninteresting to state a few particulars, as in our earlier history they appear to have been one of the most powerful families in the kingdom. They were originally from England, ^k and first settled in Scotland, it is said, under William the Lion, ^l though Abercromby ^m supports the position of their introduction in the reign of Malcolm III. His position has this air of probability, that it would have been impossible, consistent with ordinary events, to conceive the acquisition of a splendour and rank so sudden, as that to which this race attained, in the short æra between their introduction under William, and their almost total destruction under Alexander II. In the reign of William we find several of them settled in the Merse, others in the county of Moray. ⁿ They conveyed the Manor of Upsetlington, in the former, to the monks of Kelso ; but the north, as it was the chief seat of their power, was that also of their benevolence and piety. “ *Nobilis vir Joannes Bisseth, Dominus de Loveth,*” appears in 1222 in the chartulary of Moray. ^o We find William Byset a witness to a charter by King Alexander II. to Andrew Bishop of Moray, in *feu-farm* of Kynmile, 5th October 1226. ^p

In 1226, John Byset made a donation of the right of patronage of the church of Kiltalargy, “ *Deo et ecclesiæ Sti. Petri de Rothsan (Query, Rothven ?) ad sustentacionem leprosorū ibidem deo Serventium.*” The grant was made “ *pro anima Dni. W. regis Scotiæ, et pro salute Dni. me Alex. nobilis regis necnon, et pro salute animarum ancestorum et successorum meorum.*” ^q *

* When the *volumes* are specified, it is the copy of the Chartulary in the Advocates' Library which is meant. Both it and the original vellum transcript have been referred to indiscriminately.

^e Caledonia, I. p. 517-8.

^f Anderson's Dipl. Scot. Cart. 51.

^h Fædera, II. 776.

ⁱ Caledonia, I. 517.

^k Anderson's Diplomata, 110.

^l Caledonia, I. 593.

^m Vol. I. 364.

ⁿ Caledonia, I. 593.

^o Remarks on the Ragman Roll, 14.

^p Chart. Moray, Vol. I. p. 61.

^q Ibid. Vol. I. p. 126.

A composition was entered into between the said John Byset and Bryce, Bishop of Moray, “ de advocationibus ecclesiarum de Coneway et Dulbatelauch ;” wherein the said John Byset, “ pro anima patris sui, necnon et pro salute sua et matris sue et totius posteritatis sue, tam salute quam animabus, contulit et concessit in puram et perpetuam elemosinam æcclesiæ de Dulbatelach septem acras terre in loco competenti et propinquo ecclia parochiam de Dulbatelach cum fuerit translata ad Fyngast, ad locum qui dicitur Wardlaw, Scotice Balabrach.” ^r

Bryce was Bishop from 1203 to 1229. ^s

In 1230, ^t John Byset, or according to some authorities, ^u James Byset, founded the priory of Beauly ; the ruins of which still exist on the banks of the river of that name. At the dissolution of the monasteries, Hugh, Lord Fraser of Lovat, acquired this priory from the last prior thereof; and transmitted it to his posterity, with whom it now remains. ^w The monks settled there were monks of Valles Caulium, a reform of the Cisterians, following the rule of St Bennet. ^x William Malvoisin, Bishop of St Andrew’s, brought them into Scotland in the year 1230, which is the æra of their establishment at Pluscardine, Beauly, and Ardochattan. Pluscardine being endowed by the munificence of King Alexander the II. himself, was the most considerable. These recluses derived their appellation from the first priory of the Cisterians founded by Virard in the diocese of Langres, in France, between Dijon and Autun in Burgundy, in the year 1193. By their institutions they were obliged to live an austere and solitary life ; none but the superior and procurator being allowed to go without the precincts of the monastery on any account whatever.

The income of the monastery of Beauly, at the reformation, was £136, 13s. 4d. Scots : oats, 14 chalders, 2 bolls, 3 firloths, 3½ pecks ; marts, 10 ; sheep, 20 ; fowls, 21 dozen ; salmon, 2 lasts and 6 barrels. ^y Many tomb-stones and lids of stone coffins yet remain, ornamented with symbolic devices ; on each is a large cross. The earlier inscriptions are in Saxon characters, dated in the end of the 14th and beginning of the 15th centuries ; other abbeys were built from the reign of David

^r Chart. Moray, Vol. I. p. 80.

^s Keith’s Bishops.

^t Chalmers, I. 594. Sir James Balfour’s Works, Vol. I. p. 47.

^u Survey of Moray, 1798, p. 232.

^v Keith’s Bishops, 262.

^w Transcript of Chart. of Beauly in Advocates’ Library.

^x Beauties of Scotland, Art. Moray, p. 498. Keith’s Bishops.

^y Playfair’s Stat. Des. of Scotland, Vol. II. p. 170.

I., in which Kinloss was erected, with a parliamentary seat for its Abbot, to the year 1490, when the priory of Kingussie owed its foundation to the Earl of Huntly.

During the reign of Alexander II., the Bissets became extremely powerful, and they held the whole lands of Stratherrick by royal charter.* In 1242,† their pre-eminence was no more. Patrick, Earl of Athol, having worsted William Byset of Upsetlington, at a tournament on the borders, that accomplished youth was soon after murdered in his lodgings at Haddington, which the assassins fired to prevent escape. Suspicion lighting on the Byset, he was compelled to fly the country,² and the whole clan were involved in his ruin. This event prepared the way for their total departure from the north; for John Byset of Lovat having entered into a confederacy with the M'Donalds of the Isles,³ the Earl of Ross, by express mandate from the King, had orders to apprehend him as a traitor, and send him for trial to the King's Privy Council. Bisset effected his escape from Lovat to Auchterloss, where he lurked for a while; but a reward having been placed upon his head, George Dempster of Moorhouse apprehended him in the wood of Auchterloss, and carried him from shire to shire to the King. Sentence of forefalture was passed upon him, but remitted, on condition of his going a voluntary exile to Ireland, whither his brother William followed him, Anno 1249. Walter, Malcolm and Leonard Bissets, the other brothers, who lived at Killichviman, in Abertarff, likewise accompanied him: Yet he seems to have been pardoned after this, for we find him in possession of the lands of Erchless in 1258.^b Notwithstanding these reverses, the Bissets appear again in subsequent reigns, as a family of some

² Hailes' Annals, Vol. I. p. 157.

³ Wardlaw MSS. of the Frasers.

^b Chart. Moray, I. p. 126.

* In the list of charters, in the Chapter-House at Westminster, there is one of Robert the Bruce, "Charta Walteri Byset, de Stratharkyk."—*Robertson's Index*. It is perhaps the one mentioned by Chalmers—*Caledonia*, I. 594—as being in Rymer's collection.—*Fæd.* II. 219.

* Sir Jas. Balfour's Works, I. 54.

† Several royal boroughs, among others Inverness, were burnt this year.* Matthew Paris mentions the building of a large ship there at this period, as an extraordinary circumstance in the maritime history of Scotland.

importance, one of them being, in 1305,^e constable and keeper of Stirling Castle; and there are proofs of their having held the lands of Merchiston and Dalry, near Edinburgh, in the times of Robert I. and David II.^d In the latter reign, there is a grant of the earldom of Fife to Thomas Byset,^e whose descendants appear as such under Robert III.

^e Caledonia, I. 591.

^d Robertson's
Index to Charters,
p. 28, 31.
^e Ibid.

The misfortunes of the Bissets, and the marriage of the descendants of the last of the line in Inverness-shire, introduced in great numbers the Grahames and Fentons in the reign of Alexander III., who thereby acquired some lands, amid the general wreck.^f Of the Grahames and Bissets, it may be said, that though of ancient and distinguished descent, these families were originally inconsiderable vassals in Inverness-shire. In 1258, David de Graham, styled "Dominus de Loveth," makes a convention with Archibald, Bishop of Moray, about some fishings in the water of Forn or Farrar, and the lands of Kentalargyn;^g and there is, at a subsequent period, a charter of the same lands and fishings, granted by the Bishop to William, Lord Fenton, and the said David Graham jointly, with a view of allaying all differences between them, as to the right of the same. In 1280, William Fenton, Lord of Beaufort in the Hard,^h and Cecilia his spouse, were excommunicated by the Bishop of Moray, for unjustly retaining the lands of Kitalargyn. In 1359, Lord Fenton did homage for the part of his davoch land of the Ess and Kyntalirgy, which he held of the Cathedral of Moray.ⁱ In that deed, he is styled "provisionarius de le Ard;" and Alexander de Chesolme his "comportioner," did likewise homage, 1368.

^f Nisbet, Herald.
App. 115.

^g Chart. Moray,
folio 44.

^h Ibid. Vol. I. p.
146.

ⁱ Ibid. Vol. I. p.
262.

CHAPTER II.

THE direct male line of the principal Family of Fraser, whose estates were situated in the southern counties of Scotland, and principally in the sheriffdom of Peebles or Traquair, thus failed in the person of the gallant Sir Simon Fraser the patriot. All authorities are uniform in stating, that his heirs female, who are usually affirmed to have been his two daughters, shared between them his valuable and extensive property.^a

^a Douglas's Peer.
II. 603, 630.
Crawford, Off. of
State, 271.
Caledonia, I. 554.
McFarlan's MSS.
Advoc. Lib. Vol. II.
p. 210.

The eldest of them, * it seems, was married to the male ancestor of the noble family of Yester or Tweeddale, and the youngest to the male progenitor of the Lords Fleming and Earls of Wigtoun. Each of these families quartered the arms of Fraser with their paternal bearings, † and the office of Sheriff of Peebles devolved, in right of the eldest daughter, upon that of Yester, who continued to hold it for many generations, until they were accidentally deprived of it for a moment, by an act of feudal delinquency, owing to Lord Yester having allowed certain prisoners

* We have no legal evidence for the Christian names of Hay and Fleming.

† Being the nearest heirs general of the old stock of the Frasers, the Lords Yester bore the principal arms of the Frasers. The Fraises in their Escutcheons were placed in saltier, or after the form of a Saint Andrew's cross, just in the very way, and the same colours as the Lords Lovat are proved to have carried them, by Heraldic MS. in the Advocates' Library, and the authority of Nisbet's Heraldry. * Hence, as the Frasers of Philorth did not bear them after this method, and the Frasers of Lovat did, the inference is clear, that the latter were the senior branch. Farther notice of this point is taken in a subsequent part of the work.

* New Edition, I.
p. 380.

to escape from the jail of Peebles. In consequence of his supposed breach of trust, James V. granted the office to Lord Fleming, the heir and representative of the younger co-heir of Sir Simon Fraser; but in the sequel, on a fuller enquiry into the circumstances of the case, Lord Yester succeeded in an action before the Court of Session, in annulling the grant, and again possessing himself of his ancient inheritance. The litigation, which appears to have been a curious one, is specially alluded to by Hope in his *Major Practicks*. The Yester family, raised at a subsequent period, to the dignity of Tweeddale, sold their estates and interest in the county of Peebles to the noble family of Queensberry, by whose heir of entail to the property, they are now held in the person of the Earl of Wemyss.

Owing to the failure, in this manner, of the direct male line, the male representation of the Frasers went of course to the next collateral male, *Sir Andrew Fraser*, who will be immediately proved to have been a younger son of Sir Gilbert Fraser, Sheriff of Traquair, formerly mentioned, the common ancestor, and the father and grandfather, respectively, of the two Sir Simons whose history and exploits have been narrated.

This Sir Andrew, consequently the younger brother of Sir Simon *Pater*, was a distinguished character in his day, and is often mentioned in the annals of the period. The first notice we have of him is in June 1291, when he swore allegiance to Edward I. at Dunfermline, being designed nobilis vir Dominus Andreas Fraser.^b Baliol nominated Sir Andrew one of the umpires to decide the contest for the Crown,^c 5th June 1291; he was present when that pusillanimous prince did homage to Edward, on the 26th December 1292.^d He was sheriff of Stirling in 1291 and 1293, and dominus de Touch in the same county. By a mandate of Edward I. on 3d September 1296, Andrew Fraser's lands in Fife, which he held of Ada de Valoynes, were ordered to be restored to him.^e On the 25th of June 1297, the same Prince bestowed upon him the manor of Ughtrethrestrother (hodie Struthers) in Fife.^f

^b Remarks on Ragman's Roll, 13.
^c Prynn, III. 510.
^e Crawford, Off. of State.

^d Feodera, II. 555, 570, 594.

^e Ro. Scot. 27.

^f Ibid. 42.

Animated with the ardent zeal which distinguished the Scottish nobles, Sir Andrew Fraser and his son are deservedly eulogised for their valo-

^f *Memoires de la Vie du Lord Lovat*, 3.

^h *Caledonia*, l. 554. *Off. of State*, 271.

ⁱ *Chart. of Melrose*.

^k *Chart. Kelso*, 125. *M^rFarlan*, Transcript.

^l *Jameson's Barbour's Bruce*, l. p. 430.

^m In Author's hands.

ⁿ *Crawford's Peerage*, 270.

rous exploits, ^e in defending against a cruel and vindictive enemy the liberties of their native country. Sir Andrew does not appear to have long survived Sir Simon, his gallant nephew. We learn from the Chartulary of Kelso, that he executed a mortification, with consent of Beatrix his wife, to that religious house, under the appellation of Andreas Fraser, *filius quondam Gilberti Fraser militis*, of a caracute of land in Wester Gordon. Both Chalmers ^h and Crawford explicitly state, that Sir Andrew was the son of Gilbert Fraser, who was *vicecomes* of Traquair: But the previous authority is conclusive of the fact; because there was no other Gilbert, except the Sheriff who figured at the time. Sir Andrew, obviously as a relative, ⁱ is a witness also to deeds by Sir Simon, the grandson of Gilbert. As, in a subsequent document to the above, in the chartulary of Kelso, and relative to it, in 1308, Sir Andrew is styled “of good memory, now deceased,” he may have died about the latter period. ^k

The latest writer on the subject seems to have had Andrew in view, when he says that he was the father of Simon, who obtained the lands of Lovat; ^l but, by a chronological error, he calls him Adam, and says, he was a donator to the Abbey of Kelso. This will be pretty evident, when we consider that no Adam Fraser ever appears as a benefactor of that institution.

Through those fables, which mingle with genealogical enquiry, when framed in opposition to fact, we occasionally catch glimpses of the truth. Thus in a MS. of the Saltoun family, ^m the son of the preceding Andrew Fraser of Touch is allowed to have laid the foundation of the noble family of Lovat, by marrying a great heiress, though the writer, by a strange and unaccountable anachronism, has made the estate descend from Sir Alexander the *son*, to Sir Andrew the *father*. The perusal of what follows, will clearly expose a misrepresentation so gross as to assume a man, dead in 1308, to be the successor of another, whose career did not terminate till 1332!—and who did not marry, moreover, till 1316!

Equally to be reprehended is the looseness of expression, of which Crawford is sometimes guilty. ⁿ By an inattention to that minuteness of detail, on which the accuracy of genealogical enquiry is mainly built,

he confounds the pedigree of Sir Andrew with that of Sir Simon the patriot; forgetting that the former outlived his great relative, and transmitted his estates, not to him, but to *another* Simon.^o In saying, however, that Sir Andrew succeeded to his father Sir Gilbert, he says no more than is the fact; since, upon the failure of his elder brother's issue, he became the male representative of his father, and of the illustrious house of which he had been the head.

Independently of the figure which Sir Andrew Fraser made in history, he claims our especial attention and regard as the first of the name of Fraser, who established an interest for himself and his descendants in the northern parts of Scotland, and more especially in Inverness-shire, where they have ever since figured with such renown and distinction. Previous to his time, the Frasers had no connection with Inverness-shire; and he himself appears originally to have had only a comparatively small appenage in the south of Scotland—(part of which he gave, as we have seen, to the Abbey of Kelso.^p)—and such as might have befitted a younger son, during an age when the bulk of the family estate usually went to the elder. An advantageous alliance afforded him the means of adding to his patrimony. He sought and obtained in marriage a wealthy heiress in the county of Caithness—a district which was then, and for many centuries afterwards, comprehended within the Sheriffdom of Inverness.* This is fully proved by the following letter or mandate of Edward I., in the year 1296, addressed to John de Warren, Count of Surrey, in his favour.^a R. di et fi suo Johi de Warren comiti Surr. custodi regni et terre sue Scotie salt. Quia de gra nra speciali concessimus Andreé Fresel qui p. pceptu nrm in Anglia pfturus est ultro Trentam et ibidem ad voluntatem nram put ordinavimus moraturus centum marcas picipiendas de exitibus terras et ten. que sunt de *dote uxoris sue* in Catania ad sustentatoem suam uxoris et *familie sue* donec aliud inde duximus ordinand' ita quod si terre et ten' p'dta va

^o Shaw, 135.

^p Chart. of Kelso.

^a Rot. Scot. 35.

* As late as 1554, we meet upon record with "ye erldome of Caithness, within ye Sheriffdome of Inverness,"*

lorem annua centum marcas non attingant de eo q'd inde defuerit p. vos suppleatr vobis mandamus q'd p'fato Andr. p'dtas centu marcas h'ere faciatis in forma p'dta. T. R. apud Morpath primo die Octobr."

Sir Andrew Fraser is hence clearly proved, by this document, to have acquired, in right of his wife, a very large estate in the north of Scotland; for it is unnecessary here to instruct what the extent and value of a property in those days, and in the county of Caithness, must have been, that yielded any thing amounting to the yearly revenue here granted. He was also, as we have seen, "Dominus de Touch,"^r in the county of Stirling, according to the author of critical remarks upon Ragman's Roll;—the truth and accuracy of whose observations, often derived from authentic sources, is well known. This property was, in all probability, first conferred on him when he attained to the dignity of Sheriff of the county of Stirling; and afterwards possessed, apparently as his appanage, by Sir Alexander Fraser, his younger son.

Sir Andrew Fraser left issue four sons:

1. Simon,

2. Sir Alexander, *Knight*, a person of high reputation and great natural endowments, of whom we may mention some particulars in this place, to prevent our breaking the thread of the narrative afterwards, by remarks not strictly applicable to the main descent.

3. Andrew.

4. James.^s

Sir Alexander Fraser, *Knight*, Chamberlain of Scotland, at a subsequent period, appears with his "brother *Simon*," among the persons of quality who repaired to the royal standard, and were present at the battle of Inverury in the year 1308.^t He accompanied the King to Argyllshire, after the sieges of Brechin and Forfar, with the view of recovering that quarter from his inveterate foes, the Cumines.^u For his eminent services, he was rewarded by Bruce with the hand of the Princess Mary,*

^r Nisbet's Heraldry, new edition, Vol. II. p. 14. Remarks on Ragman Roll, 13.

^s Winton, B. VIII. cap. 26, 27.

^t Barbour's Bruce, Vol. I. p. 166.

^u Martial Achievements, I. 585.

* Mary Bruce.—This lady fell into the enemy's hands after the battle of Methven, and was long kept a prisoner. To the eternal infamy of her captors, she was put into a wooden cage, shaped like a crown, and in that posture hung over the walls of Roxburgh Castle. She was afterwards exchanged for Sir Walter Cumine, in 1310.*

^v Fœdera, I. 995. Martial Achievements, I. 579, 588.

widow of Sir Nigel Campbell of Lochow.^w This event could not, however, have taken place before 1316,^x for the first charter to Alexander Fraser, *Knight*, and Mary his spouse, our beloved sister,^y appears evidently to have been granted sometime in the 10th year of King Robert's reign; and there is a *subsequent* entry of a charter^z to Sir Niel Campbell, Mary his wife, sister to the King, and John, their son, seemingly of the same year. Mary Bruce died before the 22d September 1324; for the King then granted a charter to Alexander Fraser, *Knight*, of six acres of arable land, lying in the tenement of Auchincarny, adjacent to "our manor of Kincardine," to be held by the said Alexander, and the heirs legitimately procreated betwixt him and the *deceased* Mary Bruce, his wife, our beloved sister.^a Sir Alexander Fraser became Chamberlain in 1325.^b He addressed a precept, in that character, to the Aldermen and Bailies of Roxburgh, to pay 20 shillings yearly out of the farms of Roxburgh to the canons of Dryburgh.^c

Alexander de Fraser occurs as one of the "Barones" in the second deed of the settlement of the crown in December 1318.^d Sir Alexander's name likewise appears in the celebrated letter to the Pope, by the nobility of Scotland, 6th April 1320,^e which had been preceded by the energetic declaration of the clergy in 1309.

Sir Alexander Fraser was Sheriff of Kincardine. The office must have been granted from his having acquired extensive property in that county;^f for the only estate to which he seems to have been provided by his father, was that of Touch; and the same is confirmed to him by King Robert.^g As a younger son, this was indeed a sufficient inheritance, at a period when the junior branches of an illustrious house had to look to their sword as their only patrimony.

After an eminent career, Sir Alexander Fraser was slain at the battle of Duplin, 3d August 1332.^h His succession terminated in a *female*.ⁱ David II., in the 26th year of his reign, confirms a charter by William Keith, and Margaret Fraser, his wife, "*neptis et heres bone memorie quondam Domini Alexandri Fraser milit.*"^k John Keith, son of William Keith and Margaret Fraser,^l left, by his wife, a daughter of Robert II.,

^w Crawford's Off. of State, 274.

^x Doug. Peer. II. p. 155.

^y Robertson's Index, 19.

^z Ibid. 26.

^a Haddington's Collections.

^b Anderson's Diplomata, p. 113. Crawford's Off. of State.

^c Caledonia, II. p. 340. Chart. Dryburgh, No. 298. M'Farlan's Transcript.

^d Robertson's Index, Appendix.

^e Anderson's Dipl. pl. 51.

^f Robertson's Index.

^g Reg. Mag. Sig. 17.

^h Douglas, Peer. II. 155.

Buchanan, B. IX. p. 385. Drake's Historia Anglo-Scotica, 111. Hailes II. p. 184. 3d edit.

ⁱ Reg. Mag. Sig. Robert Duke of Albany, 229, 255.

^k Reg. Mag. Sig. 117.

^l Ibid. 104. Robert II.

one son, Robert, whose daughter married Alexander, first Earl of Huntly; on which account the Duke of Gordon quarters the Frasers arms with his own.^{m*}

^m Hist. of Gordons, 1726, I. p. 37.
Douglas, Peer. I. p. 644.

* Sir Alexander Fraser, knight, the Chamberlain, having been only married to the widow of Sir Niel Campbell about 1316, and his line having terminated in a female descendant, who inherited all his estates, and carried them into other families,—it is surprising that our peerage writers should have confounded him with an Alexander Fraser of Cowie and Durris, the undoubted male ancestor of the ancient and respectable family of Philorth. To expose the fallacy of this opinion, requires but a very few remarks. It has always been admitted by every one, and cannot be disputed, that this very ancient line of the Frasers is immediately descended from William, son of an Alexander Fraser (evidently the latter Alexander), who flourished principally during the early part of the 14th century, and succeeded to his father as proprietor of the estates of Cowie and Durris. This is further apparent, from the title of a missing charter of David II. in Robertson's Index, containing a grant to William, of the lands of Durris, but more especially of Collie, "quilk thanedom of Collie, (it is added) was Alexander Fraser his father's."* Here it cannot escape observation, that Alexander of Collie is not, even after his death, termed *Knight*; a title which, as has been proved, Sir Alexander the Chamberlain held from 1308, and continued to enjoy ever afterwards. But independently of this striking fact,—there is the evident failure of the male line of the Chamberlain before 1355, and the impracticability of instructing that he ever possessed the estate of Collie or Cowie. Besides, it may be added, that there is explicit proof by Ragman's Roll,† that on the 7th of July 1296, "William Fraser, the son of the late Alexander Fraser," swore fealty to Edward I., among the barons of the neighbourhood, at Fernel, Forfarshire, contiguous to the quarter of Scotland where the family estates were situated. Alexander Fraser, therefore, ancestor of the house of Philorth, for such the latter Alexander must be presumed to be, was dead long before the period when the Chamberlain commenced his career; and obviously was a different person from him. Of the descent of the family of Philorth, it would be here irrelevant and unnecessary to offer any conjectures: Every antiquarian knows that it is of great antiquity, lustre, and eminence. They may have sprung, at a very remote period, from the Frasers of the south, although, at this time, the precise relationship, owing to loss of documents, cannot be ascertained:—Eventually, they, in the reign of Charles II., succeeded as heirs of line of the noble family of the Abernethies, Lords of Salton, whose peerage they have ever since inherited. The lines composed upon the auspicious intermarriage that led to this union, are well known:—

* Robertson's Index, p. 61.

† Pryne, III. 650.

Quvm tantæ tenuere moræ, venit hora jugalis
Nympha Frasero Abernethia nupta suo,
Felix illa pari tandem bene nupta marito
Cara Philorthei dicitur una murus, &c. &c.

Having stated these facts, we now return to Simon Fraser, the elder brother.

SIMON FRASER first figures in history as joining Bruce in the year 1308, previous to the battle which he then fought with the Earl of Buchan.ⁿ This circumstance is vouched for by Barbour, who makes explicit mention of him at the period, along with Sir Alexander Fraser, and styles Simon "his brother." Crawford^o has here fallen into a very unpardonable and gross mistake, which it can hardly be imagined a person of his experience, in matters of pedigree, could have overlooked. Although he must have been well aware, that the great Sir Simon Fraser, the patriot, was executed by Edward I. in 1306, he, nevertheless, upon the strength of the above identical authority, represents Sir Alexander as his brother, just as if the Simon Fraser, there mentioned, and alive in 1308, could have been the *Sir* Simon who closed his career previously in 1306! Barbour, independently of having been a contemporary, has always been accounted an accurate historian; and hence, more especially in the absence of any opposite and conflicting ancient statement, must be entitled to every credit. But fortunately it so happens, that his assertion can be borne out, even by legal evidence; for, in an original charter in the Arbuthnot Charter-Chest, the substance of which is given in the subjoined note,* and, from circum-

1ST CHIEF.

ⁿ Barbour's Bruce, p. 166.

^o Off. of State, 271 Peer. 270.

* Transumpt of an ancient charter, taken before Henry Hereby, "precentor, Aberdoniensis," and Commissary of Ingeram, Bishop of Aberdeen, 21st April, 1456.

The following is a copy of the charter transumed:

"Sciant presentes et futuri quod ego Robertus, janitor de Kincardyn in le Mernys, Dominus de Portarestone, et de Achichdonachy, concessi, dimissi, et hac presenti carta mea confirmavi ad feodifirmam, Dunecano Kynledy burgensi de Aberden, totam terram meam de Achichdonachy cum suis pertinentiis et rectis divisis, tenendam et habendam ad feodifirmam eidem Duncano et heredibus suis, vel suis assignatis de me, et heredibus meis libere, quiete plenarie, honorifici, bene et in pace, sine aliquo impedimento salvo forinseco servitio Domini Regis quantum ad dictum terram de jure pertinet, reddendo inde annuatim mihi et heredibus meis vel meis assignatis sex denarios Sterlingorum ad duos omni terminos; videlicet unam medietatem ad festum Sancti Martini in Yeme et aliam medietatem ad festum Penthecostes pro omni alio servitio seculari, exactione, et demanda inde contingentibus seu

stances, coeval with the reign of Robert I. “ Sir Alexander Fraser, Knight, Sheriff of Kincardyn, and Simon Fraser, his brother,” so specially described, are witnesses in the testing-clause. The very fact, indeed, of Simon not being here called knight, is of itself decisive; the great Sir Simon having, long before 1300, attained that degree in chivalry, in an age when such an honour was held in the highest estimation. Simon Fraser, therefore, the brother of the chamberlain, and, necessarily, son of Sir Andrew Fraser of Caithness and Touch, was quite a different person from Sir Simon, the patriot, who was considerably his senior, and had deceased before he began his career, though certainly a man of note, and zealously attached, like him, to the cause of Scottish freedom. He is mentioned in record, from the period above stated down to 1333, when, uniform in his politics, he closed a life of renown, at the battle of Halidonhill, along with his brother Andrew, evidently so designed after Sir Andrew, their common parent, and another brother of the name of James. Of his previous services and actions, the following account may not perhaps be deemed unacceptable.

Inheriting the dislike of his ancestors to the disturbers of his country's repose, he, at an early period of his life, attached himself to Bruce, and signalized his valour on various occasions, particularly at the battle of Bannockburn.^p His sword was wielded for David II. at the disastrous con-

^r Annals of Frasers,
p. 42.

contingere valentibus. Ego vero predictus Robertus heredes mei et mei assignati totam predictam terram de Achichdonachy cum omnibus suis justis pertinentiis libertatibus et asiamentis, &c. et cum omnibus aliis commoditatibus libertatibus, &c. ad dictum terram pertinentibus, &c. warrantzabimus, &c. In cujus rei testimonium present. carte mei sigillum meum apposui, et ad plenariam evidentiam hujus facti, Sigilla DOMINI Alexandro Fraser, tunc Vicecomitis de Mernys,—Symonis Fraser, FRATRIS SUI,—Johannis Crag et Johannis Benvoin ad instantiam meam presenti carte gratia testimonium perhibendi apponi procuravi.”

The above document is still extant in Lord Arbuthnot's Charter-Chest. Though without date, it is clearly, from circumstances, coeval with the 14th century, and furnishes legal evidence of the fact of Sir Alexander Fraser, *Knight*, the Chamberlain, having had a brother of the name of Symon, who could not have been the *Sir* Symon executed in London by order of Edward I. for the former is not here described as a knight.

flict of Duplin,^a where, to national calamity, he had to lament the death of his brother Sir Alexander. Whilst the sad issue of that contest struck the nation with dismay, and the hopes of her patriots seemed for ever blighted by the flight of their Sovereign, and the investment of Baliol with the regal authority, there were spirits who scorned submission, and waged an incessant warfare. Four gentlemen in particular, Robert Keith, Alexander Lindsay, Symon the Fresel, and his brother, James,^r were remarkable for their forwardness to besiege, and their good success in retaking the town of Perth.^s Simon Fraser, shortly afterwards, surprised Baliol in Annandale, his paternal residence; for, marching to Moffat, at the head of 1000 horse, in conjunction with Archibald Douglas, brother of James, who was lost in Spain, he fell upon the Pretender's army so suddenly, as to put it to a complete rout; Edward Baliol himself escaping half naked on horseback, without saddle or bridle, and his younger brother, the gallant Henry, being killed upon the spot. The action took place, 25th December, 1332.^t

In March, 1333, Sir Anthony Lucy having penetrated from Carlisle to Lochmaben, was gallantly encountered by Douglas, knight of Liddisdale, who was however repulsed and taken.^u Edward III. had now adopted the policy of acquiring, from the subserviency of Baliol, that dominion which the people of Scotland would never accord.^x To effectuate this policy, Baliol, on 12th June 1334, conveyed to the English king, among other territories, the town, castle and county of Dumfries, for ever. Edward constituted a chamberlain and other officers for his new territory.

Meanwhile, the friends of Bruce acquired fresh courage. Their first care was to fortify Berwick, to which the English king had laid claim, and the government of it was entrusted to a worthy knight, Sir Alexander Seton. He proved deserving of his high trust; for, after a siege of three months, his enemies had made little impression, though the inhabitants were suffering the extremes of toil and famine. It was therefore agreed, that, unless he was relieved by the 30th of July, the town should be given up; and, rather than deliver it before the stipulated period, he allowed his son Thomas to be put to death. To this stern and

^a McKenzie's *Lives of Eminent Authors*, II. p. 91. Nisbet, App. 115.

^r Wynton, Chron. B. VIII. cap. 26. Line 327.

^s Abercromby, *Martial Achievements*, Vol. II. p. 20. Fordun, XIII. 25.

^t Buchanan, B. IX. p. 387-8. Red Gauntlet, Vol. II. p. 170.

^u Hailes' *Annals*, Vol. II. p. 197. 3d edition, 1819.

^x Caledonia, Vol. III. p. 85.

awful piece of duty (so every way Roman), he was much moved by his lady, a woman of a masculine disposition, who painted to his mind, wavering between love for his child and fidelity to his country, the dignity of his noble family, and the infamy which would attach to him, were a Seton to be found unfaithful to his king. Although the English monarch could not move the father, he carried his threat into execution, and the innocent youth was put to death. He then removed to Hali-donhill, and awaited the enemy's approach.^y Douglas, who commanded the Scots, with the impetuous valour of his race, led his men instantly to battle; but the English archers, from their superior station, galled their opponents severely as they marched up the rising ground, and bearing down upon them with superior numbers, in a short time put them to a complete rout.

^y Buchanan, B. IX. p. 392.

^z Martial Achievements, Vol. II. p. 26, 32.

At this battle, fought 22d July 1333, Simon Fraser was in the van,^z with his two brothers, Andrew and James, and the whole three were among the slain on that disastrous day, when the flower of the Scottish nobility perished: Lord Archibald Douglas, the Earls of Ross, Sutherland, Carrick, Athole, Lennox, Monteith, Sir Duncan Campbell and others,^a having fallen. Their brave commander redeemed by his actions and death the rashness of his judgment.*

^a Nisbet, Herald. App. 115. Fordun, XIII.28. Buchanan, B. IX. p. 392.

* The Scots army advanced in four divisions. John, Earl of Moray, led the first body, but as he was a very young man, it is generally believed, that the Frasers had the chief command. They are mentioned by Hemingford, as being superior in rank to the other persons enumerated as present in that battalia. (*Hailes' Annals, Vol. II. p. 367, 3d Edit. Edinburgh, 1819.*) The opinion generally received, and concurred in by his Lordship, that they were sons of Sir Alexander Fraser, slain at Duplin, by Mary Bruce, has been shewn to be erroneous. On the contrary, they were his brothers. *Knyghton*, a writer in the succeeding age to the battle (quoted by Lord Hailes), mentions an *Alexander Frysell* as taken prisoner. James and Symon are those said to have been killed, according to Lord Hailes, but it is probable Alexander is a mere misnomer for Andrew, as it is allowed (*ibid.* 366,) that the names of the noble persons who fell are miserably disfigured by transcribers,—some only to be traced by conjecture, and some not at all. Wynton expressly mentions Andrew as one of the three Frasers, brothers, who fell in the field.*

^y Wynton, B. VIII. cap. 27. line 161. Edit. 1795. McKenzie's Lives of Eminent Authors, II. p. 91. Historia Anglo-Scotica, by James Drake, M. D. p. 118,

James Fraser, the other brother, married the heiress of Frendraught. In the list of dis-

That Simon Fraser was the eldest son of Sir Andrew, his father, is demonstrated by the circumstance of his brother, Sir Alexander, having only obtained the comparatively small estate of Touch (though a fit appanage for a younger son), and never having had any interest or connection with the county of Caithness, in which, as before proved, (and partly, probably, in what is now only termed Inverness-shire, by annexation,) lay the great estate acquired by Sir Andrew, in right of his wife, which would necessarily descend to the heirs sprung from that alliance. That he had children by his wife, has been shewn by the mandate of Edward I. in the *Rotuli Scotiæ*. On the other hand, it is certain, that of all the contemporary Frasers, Simon was the only one whose interest can be proved to have been rivetted to Inverness-shire. Almost the very first notice of him, in our civil records, introduces him to us as engaged in a litigation with the Sheriff of Inverness-shire ;^b since he must necessarily be held to have been proprietor in the very jurisdiction that contained the estates of the wife of Sir Andrew, his father ; and the only quarter of the *north* of Scotland, where the latter can be instructed to have possessed, under any pretence, a landed estate. Unfortunately, our records, at such an early period, do not furnish very precise and minute details as to the descent and connections of even our noblest families ; but, from the facts which have been stated, there seems to be every presumption, especially in so ancient a matter, in favour of the conclusion that is drawn ; and, in the sequel, it will be further supported by circumstantial evidence.

^b Robertson's Index,
Tempore Robert I.
p. 28.

Simon is, on all hands, admitted to be the immediate male ancestor of the noble family of Lovat,^c styled in the Highlands, the descendants

^c Douglas, Peerage,
II. 155.

pensions found by M. de Marini in the Archives of the Vatican is, *Dispensatio Jacobo Fraser, Aberdonen. et Margaretæ de Ferendraught, Anno 1322. By Pope John XXII.* †

† Andrew Stewart's
Geneal. Hist. of
Stewarts, 446.

The three Crowns, Gules, borne by the Lovat family, may have been conferred on them in token of their ancestor's services at this battle. We have no reason for supposing them to have been the armorial bearing of the Bissets, since the Frasers and Bissets never intermarried. At this remote period it is needless, however, to enter on a point fraught only with theory.

of Simson, or Simon, their grand patronymic after him, whose possessions in that quarter, from the most remote period that can now be discovered, always lay either in the Sheriffdom of Inverness, or in the sheriffdoms adjoining. They were the root of all the Frasers in that part of Scotland; from no other stock did they take their origin. Further still, that they were the Chief of the name—and of the old Frasers of the south, will be still more apparent, from what will be afterwards stated. *Simon*, like his father, also formed a very honourable matrimonial connection, as was extremely natural, with a lady in Inverness-shire. By the title of a missing charter, printed in Robertson's Index,^d and dated in 1330, he is proved to have married Margaret, one of the heiresses of the earldom of Caithness, and to have claimed either a part, or the whole of that earldom, which descended, however, to another co-heir. Falling at the battle of Halidonhill, with his brothers, as already stated, Simon was succeeded by his eldest son, Simon. He is said to have left issue three sons and one daughter.^e

^c P. 29.

^d Annals of the Frasers, p. 50.

1. Simon, his heir.

2. Hugh.

3. James.

1. Janet.

II.

A. D. 1339.

^f Buchanan, B. IX, p. 403.

SIMON was a minor when his father was killed. He made his first essay in arms under William, Earl of Ross, at the siege of Perth. To this nobleman was the reduction of the town chiefly attributable.^f Guided by so able a master, Simon Fraser had many opportunities of distinguishing himself, and, profiting by the instructions afforded him, proved worthy of his illustrious ancestors,—insomuch so, as to be noticed for abilities beyond his years.^g The Scots having soon afterwards received supplies, both of money and men, from France, were resolved to make good use of King Edward's absence in Flanders, and prosecute the war with all diligence.^h They invaded England, and routed the army sent to check their advance. Flushed with success, they then besieged and took the castle of Stirling. After its capture, Simon Fraser

^e Annals of Frasers, p. 52.

^h Abercromby's Martial Achievements, II. p. 77.

was mainly instrumental, by a bold and successful stratagem, in recovering the castle of Edinburgh, in conjunction with William Douglas,ⁱ the whole garrison, except seven men, being put to the sword.

^k On the conclusion of the truce with Edward III. in December 1341, the Scottish nobility sent Sir Robert Vesey and Simon Fraser to France, to acquaint King David with what they had done ; but he, having sailed for Scotland before their arrival, landed with his Queen at Inverbervie, in the county of the Mearns, 2d July 1342.^l On the king's return, Simon appears to have been one of his most favoured attendants.^m When the imprudent invasion of England was resolved upon, he accompanied the army. The disastrous termination of that event involved misery and ruin on David's subjects. By his defeat and capture at Durham (1346), Baliol regained possession of Annandale and Nithsdale. His success was but of short duration. The nation triumphed, and this minion of Edward surrendered the crown of Scotland and his own private estates to his lord, in consideration of 5000 merks to be paid to him, with £2000 a-year. The surrender was ineffectual, as a peace was soon after made with David II. who was liberated in 1357.ⁿ

Simon Fraser was present at the battle of Durham (which took place, as is differently stated, in 1346-1347, and 17th October 1348), when he was wounded. He came north and recovered, but died soon after at Lovat, unmarried, in the 25th year of his age, and was succeeded by his brother Hugh.^o *

HUGH. This person is the first head of the family, who, in legal writings, is designed "of Ard and of Lovet." By this title, he appears in the chartulary of Moray : Both these places are in Inverness-shire, and form part of the family estates at this day. On the 11th September 1367,^p Hugh Fraser, "Dominus de Loveth, et portionarius terrarum de Ard," does homage to the Bishop of Moray, for his part of the half davoch land of Kyntallergy and Esser, and fishings of Forn ;— there being pre-

ⁱ Froissart, I. p. 77.
Buchanan, E. IX. p. 404.
^k Froissart, Vol. I. p. 94. Lord Berner's Edit. 1812.

^l Maitland's Hist. of Scotland, Vol. I. p. 532.
^m Annals of the Frasers, p. 55.

ⁿ Caledonia, Vol. III. p. 267.

^o Annals of the Family of Fraser, p. 55.

III.

^p Chart. Moray, I. 263.

* Many authors called the Fraser, killed at Durham, "William." * This must have been a different person, for Sir Simon did not die *there*.

* Guthrie's Hist. of Scotland, Laurie's Hist. of Wars in Scotland.

sent, Lord William de Keith, Knight-Marischal of Scotland ; Thomas, prior of Plusecardine ; John de Dolas, thane of Cromdall, and others ; and an instrument follows thereupon,^a where William, Lord Keith, is said to be then holding the place of Lord Count of Moray.

^a Ibid. II. 183.

In the year 1367, Hugo de Fraser is a witness to a charter of Walter Leslie, Dominus de Ross, to Eupham Saint Clare, confirming certain rights she had acquired to the lands of Brea and Broon in Inverness-shire.^r

^r Hist. Account of
Family of Innes,
p. 18.

Hugo Fraser, " Dominus de Lovat," resigned his lands of Fayrlehope, in the barony of Linton, or Linton-Rothrok, as it was called, in Peebles-shire, in favour of Sir James Douglas of Linton. This is proved by an original document in the Douglas charter-chest, in the following words :

" Universis ad quorum notitiam presentes lettere pervenerint Adam Forster salutem in Domino Sepiternam. Noveritis me de reverendo domino meo domino Jacobo de Douglas domino de Dalketh, pro homagio et servitio meo quandam cartam recepisse hec verba precise continens. Omnibus hanc cartam visuris vel audituris, Jacobus de Douglas dominus de Dalkethe, salutem. Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Ade Forster pro homagio et servitio suo nobis impenso et impendendo totam terram de Fayrelehope cum pertinentiis infra baroniam de Lyntonrothrok, in vicecomitatu de Peblis,^q que fuit *Hugonis Fraser Domini de Lovet*," (upon his resignation,) dated 16th March 1377.*

The fact of Hugh Fraser, Dominus de Lovat, being thus proved, though resident in the north, where the principal estates, like those of his immediate ancestors, lay, to have inherited land within the barony of Linton, in the Sherifflom of Peebles, and, as is well known, contiguous to Traquair, the seat of the ancient Frasers, and of their representative Gilbert Fraser, Sheriff of Traquair, is of great importance. For, combined with the circumstances formerly unfolded, it is clearly indicative of

* The Adam Forster here mentioned, there is every reason to believe, was Adam Forster of Corstorphine, ancestor of the Forresters of Corstorphine, near Edinburgh.

Hugh's descent from the latter, through Sir Andrew, his son, who married the heiress in Caithness. By the custom of that age, as could be proved by many cotemporary instances, younger sons were always provided in a portion of land of their father's inheritance : A similar circumstance, indeed, in the 14th century, adduced by an eminent author,^s in the case of the family of Castlemilk, is confidently founded on by him as proof of their descent from the princely line of Darnley. Such an arrangement, at a period when money was scarce, was obviously what might have been expected in parallel situations. By parity of reason, therefore, it may be presumed that Fayrelehope descended to Hugh of Lovat, as the heir of an ancestor of the name of Fraser, *who was* younger son of the Sheriff of Traquair ; and of course, none so likely, considering all that has been transmitted to us, as of the son of the Sheriff of Traquair, who has been mentioned. The general inference from all the facts, seems unavoidably to lead to this conclusion ; and whilst Hugh of Lovat is thus proved to have held a portion of land as a descendant of the principal family of Fraser, it has as yet fallen to the lot of no other stock of the Frasers, to be able to adduce such a piece of evidence in support of any conceived claim to the chieftainship that they may imagine to be inherent in them. Not only is this the undoubted fact, but it may be further stated, as convincing and commanding arguments, that the house of Lovat, when raised to the peerage,^t were created, *per excellentiam*, " Lords Fraser"* simply, (though the family after-

^s Genealogical History of the Stewarts, by Andrew Stewart, Esq. 1798.

^t *Acta Auditorum*, 1471.

* The arms of the Lords Lovat were thus matriculated in the Lyon Office, previous to the date of the present registers, and before the conflagration towards the end of the 17th century, when all the older ones were consumed.

" FRAISER LORD LOVAT,"

Beirs 2. coats first fraiser : azure 5. frays alias straberrey leves a lacing^r argent : Secondly ; argent 3 antiant crowns. Gules : supported be 2 buks sceant eatch in ane hollin bush proper. Crist : a buks head errashe : or : armed wyt 6 tynes azure. Motto—I am readi."

The above is from a MS. Index to the matriculations in the Lyon records, written partly by " Robert Porteous, Snaddoun Herald, and Joseph Stacey, Ross Herald ;" which last states, in the MS. that he was created Ross herald the last day of September 1663, and

wards added the name of their estate to the title,) and bore, in the 15th century, the very arms of the Frasers of Peebles or Traquair, which the noble family of Tweeddale, their eldest heirs of line, quartered with their own; namely, five fraises, placed after the form of a Saint Andrew's Cross.

^a Pryme, III. 510.
Wynton. B. VIII.

We have seen that the chief of the Oliver Castle branch was always styled, as designative of his quality, "the Fresel."^a That the family of Lovat, therefore, when ennobled, should retain the same characteristic, is only to be accounted for by their succeeding to the principal male

purchased the book from the widow of the said Robert Porteous, with consent of her son, in December 1664. The arms of Lovat in the MS. in the Advocates' Library, of which a copy is placed as frontispiece to this book, were illuminated by John Sawers, herald painter in the reign of Charles I. Joseph Stacey bought the same in 1654 from Sawers, as appears by a note in the title-page.

In the same MS. at another part, among the arms of various individuals, both peers and commoners, there are these entries following each other: "37, Fraser Lord Fraser of old az: 5 fraes strawberrey leves salterwayes, 2. 1. 2. argent. 38, Fraser of Lovat, *the same*. 39, Fraser of Mucehall, quarterlie, 1 Fraser, 2 argent, a lyon sable. 40, Fraser of Phillorth, quarterly, 1 azure, 3 fraes, argent gules, a lyon rampant argent."

The similarity between the arms of Lord Fraser of old, and Lord Lovat as borne in more modern times, is here additionally substantiated. The two MSS. in the Advocates' Library, in the 16th and 17th centuries, place the stags in a bush or tree, which method of representing them is also adopted. The addition of the bush or tree is somewhat singular and unprecedented in other cases. In an ancient heraldick MS. painted and emblazoned during the 16th century, which Mr Riddell saw in England, the two supporters of Lovat are still more remarkably represented. The neck and head of the stag on the right, is the only part visible; and appears issuing from the leaves and under branches of the root or stump of a tree: The stag, again, on the left, is sciant and entirely visible, grasping the trunk of a tree torn from the ground, full grown. The tree, and root of the tree, are represented according to nature. The stag on the right, and the neck of the one upon the left, are both painted *or*, or gold; which it is believed is different from the colour now given them. In all probability, and in accordance with the practice of heraldry, some ancient feat or exploit of chivalry may be connected with these supporters, of which, in the same manner as the stakes of wood round the Douglas arms, they may be descriptive. In the above MSS. the crest is a stag's head between two hatchets: The stag gold: The handles of the hatchets gold, and the rest blue.—See the Vignette at the beginning of this work.

representation; and in this respect, again they are singular from every other family of the name of Fraser. The allegation,^y too, of Nisbet, that the *male representative* of the Frasers of Oliver Castle in Tweeddale, is said to have got great possessions in the north of Scotland, which he and his successors enjoyed under the title of *Lord Fraser*, leads obviously and directly to the same result.

By an agreement entered into on 30th November 1381, between Hugh Dominus de Lovet and Alexander Bishop of Moray, the former was to be relieved of all bygone arrears of tithes on payment of £20.^z James Fraser, whom I imagine to have been a cousin of Hugh Fraser of Lovat, gives in pure alms to the monks of Melrose, totam terram suam de Campbletown in Baronio de Lesuden, vicecomitatu de Roxburgh, 2d July 1402.^a He had a daughter, Mauld or Matilda Fraser, his only child, and heiress of Frendraught, who married Alexander, brother to Thomas, Earl of Moray, and had one son James, designed Dominus de Frendraught by Rymer, in 1423, a hostage for James the I.; and afterwards Earl of Moray.^b

^c During the regency of Robert, Duke of Albany, a charter is confirmed of Hugh Fraser, designed “Hugo Fraser, *Dominus* de Lovet et de Kynnell,” to Peter de Striveleyne, and John his son, of the lands of Easter Brecky, in the barony of Kynnell and shire of Forfar. The original charter is dated at Kynnell, 30th March 1407; witnesses, Alexander de Ogilby, sheriff of Forfar; Walter de Ogilby, Dominus de Carcary; William de Canura, Dominus de Fyndoun, Thomas Lyell, rector of the kirk of Kynell, and Alexander de Gardyne. The confirmation is dated 30th March 1410, by which time Hugh was dead, as he is termed “quondam,” and is merely called Hugonis Fraser de Lovat.^d

The question has been repeatedly agitated, what is the true significance of the word “*dominus*,” and, whether is it to be considered as decisive of the stamp of nobility, or simply expressive of the laird or gentleman? If we go back to the latter ages of the Roman empire, we shall behold it promiscuously given to men of rank,^e and apparently sinking in esteem. From being the peculiar attribute of princes, it became the

^y Nisbet, I. p. 380, new Edition.

^z Doug. Peer. II. 155. Chart. Moray, I. 350.

^a Remarks on Ragman Roll, M'Farlan MSS. Advocates' Lib. II. p. 472.

^b Pitcottie, Edit. 1814, I. p. 65.

^c Robertson's Index, 165.

^d Roll in Reg. Mag. Sig. Duke of Albany's Charters.

^e Selden's Titles of Honour, Vol. V. cap. 4.

distinguishing characteristic of the crown vassal. "It remembers me," says Sir George M'Kenzie, "of a custom in Scotland which is but lately gone into desuetude; and that is, that such as did hold their lands of the King were called lairds, but such as only held them of a subject, though large, and their superiors noble, were only called good men."^f With us, indeed, the word *dominus* was of old applied to every landholder.^g Till the time of James I., we find no distinction between the greater and lesser Barons. The Latin word applied indiscriminately to either; all were *pares* or peers in the Courts of Justice, and the *laird*, as well as the lord, derived a title from his landed estate.^h James reaped lessons of wisdom in the school of adversity. He had marked the peculiar excellency of the English constitution; and he resolved to impart its blessings to his own subjects. Impressed with the importance of separating the peers from the country gentlemen, and strengthening the third estate, he drew a line of distinction between them, by the creation of Lords of Parliament, and separated these from the other barons or lairds. Had he assigned peculiar privileges to the representatives of the commons, as Mr Pinkerton well observes, Scotland, like her neighbour, might have benefited by two houses of Parliament. But the privilege of voting was confined to the freeholders of the crown; the electors shrunk from the expence attendant on the duty of a representative, or meanly followed their peers, when they might have legislated in a distinct assembly.ⁱ The act 1587 completed the removal of barons by tenure, and the introduction of Lords of Parliament without election.

We are thus to behold a new æra in the Scottish constitution; and the *verbum dignitatis* henceforth applied to the barons by creation. But the defective state of our records, leaves it a matter of uncertainty how these were constituted.^k It is generally supposed, that the King either erected the land estate by a charter into a comitatus or dominium, or, in Parliament, named the title by which the party ennobled was in future to be designed; and the person having been girt with a sword, was proclaimed by the heralds a Lord of Parliament. The style of Lord Baron, as it was conferred for services in war, or assistance in council,

^f M'Kenzie's Works, Vol. II. p. 583. Edit. 1722. Nisbet, App. 115.
^g Wallace on Feudal Tenures, 249.

^h Pinkerton, I. 359. Craig, Lib. I.

ⁱ Robertson's Scotland, I. p. 48-9.

^k Borthwick's Limitation of Feudal Dignities.

was certainly, in its original character, a male fief; nor did its feudal strictness vary till the reign of James VI., when patents, having reference solely to a title of honour, separate from any territorial grant, came into use.¹

It was admitted, that in the family of Lovat there never was a patent; ^m and the question of their creation as Lords Baron must be subject to the evidence of record.

No Fraser is expressly designed “of Lovat,” till the year 1367, when homage was rendered to the Bishop of Moray, though the family had right to a part of the estates of the Bysets prior thereto. ⁿ It is not precisely known when they came to the peerage.—They were likely promoted to that honour by James I. *after* 1430, ^o yet there is no voucher, it is said, to shew they were peers till the reign of James III. 1472. ^p It will be seen, however, that there are strong reasons for considering the reign of James I. as the æra of their elevation.

Hugh Fraser of Lovat died at Lovat, anno 1397, and was interred at Beaully with great pomp. ^q According to Douglas, he left by his wife, Isabel Wemyss, daughter of Sir David Wemyss of that ilk, ^r

1. Hugh, his heir.

2. John, ancestor of the Frasers of Knock in Ayrshire.

3. Another son, of whom the family of Foyers, and its cadets are said to be derived. *

There are stronger presumptions in favour of the argument of the author of the history in the Advocates' Library, who says that by Isabel Wemyss he left issue,—

1. ALEXANDER, who succeeded him, and died unmarried in 1415, having been served heir to his father, anno 1398. He was buried at Beaully, to the monastery of which place he had been a great benefactor, having built a beautiful steeple of carved oak, which stood upon the western pinnacle, and put a curious bell therein. His whole life was one of retirement and devotion.

* Family of Foyers.—It will be seen in the sequel, that this branch is of illegitimate origin.

¹ Wallace on Feudal Tenures, 55. Acts of Sederunt for Return of the Lords of Session, 27th February 1740.

^m Lovat Case, 1730. Memorial for Simon Lord Lovat, 8th July 1729, p. 1.

ⁿ Remarks on Ragman Roll, 15.

^o Ibid.

^p Ibid.

^q MSS. in Advocates' Library.

^r Peer. II. 155.

2. Hugh, who succeeded his brother, 1415.

3. John, who married the heiress of Knock, Ayrshire.

4. Duncan, who married Elizabeth, daughter of Dallas of that ilk, and was ancestor of the Frasers in Moray.^s

^s Shaw, Edit. 1775, p. 69.

1. Agnes, married Lachlan M'Intosh, Captain of Clan Chattan, of whom is sprung the house of Dunachton.

2. Cecilia, married Alexander Innes of that ilk.

The historian claims Margaret Fraser, married to John Hamilton of Bushernock, ancestor to the Laird of Bardowie, Stirlingshire, as a daughter of Hugh Fraser of Lovat. It would seem she rather belonged to the Philorth stock. In a disposition of the lands of Cowie and Durris, by William Fraser of Philorth, anno 1413,^t there is mention of Dame Elizabeth Hamilton, wife of umquhile Sir Alexander Fraser, a previous proprietor. It is natural, therefore, to suppose that one matrimonial connection led to another. Hence, the Fraser, wife of the ancestor of the Hamiltons of Bushernock, was, in all probability, a daughter of Philorth. In the Chartulary of Dunbarton,^u there is a charter granted by Duncan, Earl of Lennox, ratifying the contract of their marriage, anno 1395.

^t Off. of State, App. 472.

^u Advocates' Lib.

Hugh Fraser of Lovat is represented as having been indefatigable on all occasions in keeping down the turbulent tribes who disturbed the northern parts of the kingdom; and the more effectually to carry his good endeavours into effect, to have been constituted lieutenant of the King;—the first time the Sovereign power was so delegated.^x

^x Fraser MSS. in Advoc. Library.

^y Ibid.

It may perhaps prove interesting to glance over one or two instances of the lawless inroads of these mountaineers.^y About the year 1372, the M'Lennans pillaged Tain and Chanonry, after which, marching eastward, they encamped on the rising ground between Munloch and the ferry of Kessock. The laird of Lovat having raised a number of his vassals, and some of the Earl of Ross's, surprised the invaders early in the morning at a place called Drunderfit, and made such havoc among them, as to give a name to the hill; it being called to this day, in the language of the country, *Druim-a-dear*, *i. e.* The Hill of Tears: Of

the vanquished,—but one escaped; and he is said to have owed his preservation to a country basket called Loban, or Currich, still occasionally used as a wretched substitute for a cart, under which he concealed himself. His descendants, to this day, inhabit the neighbourhood, and have assumed the surname of Loban, or Logan. If tradition may be credited, the victory was as much owing to the wily policy of the then Provost of Inverness, as to the swords of the Frasers. The invaders having threatened to burn the town, unless ransomed at a large price, this sapient ruler of the citizens, affecting to listen to the proposals, dispatched a quantity of spirits as a present to the chief. The good liquor did its office; and the valiant burghers sallying forth, put the whole tribe to the sword. ^z*

^z Memorabilia of
Inverness.

In 1374, some of the vassals of the Earl of Ross rose in arms against him, the chief of whom were the M'Ivers, M'Aulays, and M'Leas. They resolved to surprise the Earl, but their purpose getting abroad, his Lordship seized upon their leader, Donald Garve M'Iver, and imprisoned him in the castle of Dingwall, which so irritated these Highlanders that they pursued the Earl's second son, Alexander, and, apprehending him at Balnagowan, carried him captive in return.

The Earl, making the Laird of Lovat acquainted with these doings, he raised 200 men of his own tribe, and, with a force, consisting of them, the Dingwalls and Monroes, pursued the enemy and overtook them at a place called *Bealach-na-broig*, betwixt the heights of Ferrindonald and Lochbroom, where they were encamped. A bloody fight ensued, wherein the clan Iver and clan Leave were almost wholly cut

* In a MS. of the M'Ras, written apparently about the 17th century, (for the author talks of his being alive in 1672,) a copy of which was communicated to me by the Reverend Mr Fyvie of Inverness, I see that tribe assisted the Frasers in the battle of Drumderfit as vassals of Lovat. I pretend not to give an opinion on the important dispute, whether the M'Lennans were a distinct race prior to this skirmish, or are descended of the infant Loban, whose back the Frasers "humanely" broke, to prevent retaliation from his arms, and bred a priest. Dr Johnson would have the M'Ras the issue of the ladies of the MacLennans and their men servants! The Fraser MS. again points to the co-existence of the M'Lennans with the M'Ras.

^a Fraser MSS. and
MSS. of M'Kenzie's.

^b MSS. of Foulis
Family in Advoc.
Library.

^c MSS. of Frasers
in Adv. Lib. p. 114.

^d Ibid.

off. William Dingwall of Kildun, chief of the Dingwalls, fell in the field, with 140 of his name.^a Lovat retook the Earl of Ross's son, but the victory was dearly bought, especially to the Monroes; for, besides many of their leading men, the family of Foulis alone lost eleven who were to succeed each other, and the succession of that house opened to a child then in the cradle.^b

Towards the commencement of the next year, the scattered remains of the above tribes, to the number of 100, lurked in the forest of *Coira-charby*, about eight miles above Beauly, from whence they fell down upon, and pillaged the Lowlands. Alexander Lovat's son getting intelligence of their lurking place, gathered together a few resolute followers, and fell upon them at *Ardnagrask*, killed many, and pursued the rest to *Bear-na-Scallag*, to the south of Beauly, where their leader and six more were slain.^c The cairn under which they are buried is to this day called *Carna-Scallag*, and the place *Bearna-Scallag*, i. e. the gap of the servants, because the battle was won by the aid of the men-servants, denominated in Gaelic, *Scallag*. From thence the wretched remnant of this band were pursued to Kilmorack. About a quarter of a mile west of that church, seven of them got into a thick tree that hung over a precipice above the river, which one of the pursuers observing, he, with his Danish battle-axe, cut the bough, and the whole falling down, found a watery grave. The rock has ever since been known by the name of *Beam-Erechis*, i. e. *Coup-de-Grace*; so styled, either in irony, or that it was looked upon as an act of charity to destroy such pests of society.

From the dearth of more important events, our annals have preserved the remembrance of many a hostile and ferocious achievement. On the 27th of June 1378,^d the Monroes, a distinguished tribe of Ross, returning from an inroad they had made in the south of Scotland, passed by Moyhall, the *seat* of M'Intosh, leader of the Clan Chattan. A share of the booty or road-collop, payable to a chief for traversing his domains, was demanded and acceded to;—but M'Intosh's avaricious spirit coveting the whole, his proposal met with contempt. M'Intosh summoned his vassals to extort compliance. The Monroes pursuing their journey,

fording the river Ness, a little above the island, and dispatched the cattle they had plundered across the hill of Kinmylies, to Lovat's province. Their enemies came up with them at the point of Clagnahayre,^e and immediately joined battle. The conflict was such as might have been expected from men excited to revenge, by a long and inveterate enmity. Quarter was neither sought nor granted. After an obstinate struggle, M'Intosh was killed. The survivors of his band retraced their steps to their own country. John Monro, tutor of Foulis, was left for dead upon the field; from the loss of his arm, he ever after acquired the name of John Back-Lawighe.^f The Monroes were not long of retaliating. Having collected a sufficient force, they marched in the dead of night for the Isle of Moy, where the chief of the M'Intoshes resided. By the aid of some planks which they had carried with them, and now put together, they crossed to the Isle, and glutted their thirst for revenge, by the murder or captivity of all the inmates. "The curse of Moy," is a malediction still credited by the vulgar. In a raid upon the Grants, M'Intosh had carried off the head of the tribe, his daughter and her lover. The victor bade the lady choose the life of her parent or her promised husband. After a dreadful struggle, the old man compelled her to save the youth and avenge his cause. He suffered, and the next morning, when the maiden would have rescued the survivor, she was directed to his inanimate corpse! Horror drove her mad; in the wildness of her frenzy, she called down an imprecation on the murderer, that as he had not spared the feelings of a child, so neither he nor his race might ever be blessed with one to represent them!

^e Hist. of Sutherland, 47.

^f Pennant, I. 209.

Whilst these events were passing on the continent, the isle of Lewis was the theatre of a bloody fray between the Macleods and the M'Kays.

Amid the tumults of contending clans, a feud this year arose between the powerful names of Lindsay and Keith. The latter had besieged the castle of Fyvie in Buchan, to the relief of which Lindsay of Crawford advanced at the head of some hundreds of his followers. Keith encountered him at Bowrtie church, in the Garioch of Aberdeenshire, and was totally discomfited, with the loss of 50 men.^g

A. D. 1395.

^g Wynton.

In an age distinguished by every species of barbarity, neither the distinctions of rank, nor the sacredness of the asylum, were a protection to the devoted victim. In 1385, Angus, son of John, Lord of the Isles, while in attendance in the town of Inverness, at a Court of Justice, was murdered by his own harper.^h The horrid combat of the Clan Chattan and the Clan Kay, on the Inch of Perth, in 1396, was sanctioned by the presence of the King and the nobles of Scotland.ⁱ Such notices paint the manners of the times, and the ferocity of the nation: "They exhibit a government without power, and laws without force."^k

^h Gaelic MSS. quoted by Sir W. Scott in *Lord of the Isles. Memorabilia of Inverness.*
ⁱ Wynton, 866-8.

^k Pinkerton, I. p. 52.

V.

HUGH, FIRST LORD LOVAT,

^l Reg. Mag. Sig. Lib. II. No. 95.

^m Lovat Case, 1730; Answers for Hugh M'Kenzie, 22d July 1729, p. 17.

Is documented,^l in an indenture made at Baky, between William of Fenton, Lord of that ilk, and Hugh, or Hntcheon Fresel, Lord of the Lovet, on the marriage of the latter to Fenton's sister. The marriage articles are in the old Scottish language, and describe the parties as "tua noble lordis and knyghtis."^m By this contract the Lord of Lovat was to take to wife Janet, sister to the Lord Fenton, who, in contemplation of the marriage, disposed to the Lord Lovat, and the said Janet, the lands of Guisachan, Maule, Eskdale, and other properties in Strathglass, and barony of the Ard, in conjunct fee, and to the heirs of the marriage; and the Lord of Lovat, on his part, obliged himself to give to the said Janet, in name of dowry, the sum of £20 out of the lordship of Golsford. This indenture is dated 3d March 1416, and proves "Lovat's" title to the property before his marriage, in opposition to those writers who would derive his right from his wife, as heiress to her mother, a daughter of the Bisset. A charter of confirmation of the contract was granted, on the 16th of September, in the 25th year of King James I.'s reign,ⁿ wherein the king says, "Sciatis nos quasd. Indenturas facietas inter Vilielmum de Fenton de eodem et Hugonem Fraser de Lovet, supra maritagium inter dictum Hugonem et Janetam de Fenton," &c. from which it is evident Hugh Fraser was not at this period recognised by his majesty, as one of his lords barons.

ⁿ Reg. Mag. Sig. L. III. No. 95.

^o Sir James Balfour's Works, Vol. I. Bower, 415.

^o Five years prior to this paction, Hugh had led his clan to the assistance of Alexander Stewart, Earl of Marr, against Donald, Lord of the

Isles. The Ogilvies, Leslies, *Frasers*, Gordons, and other tribes, resisted the pretensions of the Island Chieftain to the earldom of Ross, and a bloody fight ensued at Harlaw, near Aberdeen, in which the Earl of Marr was triumphant. The victors had little cause to rejoice, almost the whole strength of Angus being cut off; and tradition reports, that of the family of Leslie of Balquhain, the father and seven sons were among the slain.^p

In the march of Donald of the Isles, before this fight, he burnt the greatest part of Inverness, and the oak bridge, one of the finest in the kingdom.^q One John Cumine, a burgess, son of Cumine of Ernside, in Moray, arrayed in his head-piece, and armed with a two-handed sword, offered so stout a resistance at the west end of the bridge, as would have compelled the assailants, had there been ten such men (says the chronicler) in the town, to have retired in dismay.

In 1422,^r a contract or indenture was entered into between “an nobyl lord and mighty, Thomas of Dunbar, Earl of Murray, on the one part, and an nobyl man, Hutcheon Fresal, Lord of the Lovat,” on the other part, whereby the said Hutcheon obliges himself, that his son and heir shall marry a daughter of the Earl’s; and this heir, the son of the said Lord of Lovat, “failing, and (as God forbid he do) bot an he haif an douchter ayr, or douchters ayrs, the said Lord of Lovat, oblyges himself to gif that douchter his ayr, or his douchters ayres, to the Earl’s son or sons, to be gottyn betwixt hym and Isybell of Innis, his spousit wife; and the ayrs male or female, sonys or douchters, of the said Lord of the Lovat failzeand, the said Lord of the Lovat is oblyst, and by thir letteris oblyses him, that his ayrs whatsoever shall hold and fulfil this treaty.” In contemplation of the marriage, the Earl of Moray granted to Lord Lovat the barony of Abertarff,^{s*} and the ward and relief of William of Fenton, Lord of the Baky, and of Alexander Chisholm, Lord

^p *Laurus Leslieana*,
I.V. Abercromby,
Martial Ach. Vol.
II. p. 239.

^q MSS. of *Frasers*
in Adv. Lib. 136.

^r Lovat Case,
decided 3d July
1730.

^s *Ibid.* and MSS.
of Chisholms.

* See MS. Genealogical Collections, Advocates’ Library, for a literal transcript of this contract.

of Kinrossy. The indenture, dated at Elgin, 9th August 1422, was produced in the above process.

The protector, Bedford, having consented to the liberation of the captive monarch, a safe conduct is granted, in 1423, to several Scots to pass to King James I. at Durham, among whom is “Hugo Fresale de Lovet.”[†] The most of these gentlemen are enumerated with the particle “de” after their own name, and before their place of residence, as Jacobus de Homylton de Cadyow (ancestor to the Dukes of Hamilton), Thomas de Haya de Yestyr, Hugo Cambel de Loudon; whilst a few, as Alexander de Seton, *Dominus* de Gordon, are mentioned with that attributive.

Hugo, “*Dominus de Lovet*,” was one of the hostages for James’s ransom,[‡] when he returned from England, in 1424, with his queen, Joan, daughter of the Duchess of Clarence. The yearly value of the estates of the several hostages are to be found in several authors. Maitland[§] quotes Abercrombie for Lovat’s as at 500 merks, but that author is entirely silent on the subject.^{||}

James’s first care was to restore the kingdom to tranquillity, and repress the lawless acts of the Highland chieftains.

The history of the northern parts of Scotland, at this period, presents little else than one continued tale of outrage and violence. Lord Lovat,[¶] by his authority and prudent conduct, not only protected his own vassals from the encroachments of their neighbours, but, what was as difficult in those times, kept them^{*} at peace among themselves. He greatly improved his paternal estate, by his marriage with Janet Fenton. His piety afforded the means of building the north work of the church of Beaully and the chapel of the Holy Cross, and he got the privilege of a fair there on the 3d of May annually, called Cross Fair, which the historian[‡] speaks of as continuing in his time. He likewise erected a famous cross at Wellhouse, which was afterwards brought to Beaully.^²

King James repaired to Inverness, in the year 1427, and compelled

[†] Rotuli Scotiae, Vol. II. p. 244-5.

[‡] Feodera, t. 1. p. 4. p. 3. X. 333.

[§] Hist. of Scotland, Vol. II. p. 606.

^{||} Martial Achievements, Vol. II. p. 266.

[¶] MSS. Ad. Lib. p. 147, 151.

[‡] 142.

^² Ibid.

the rude mountaineers to acknowledge the power of regular government.^z

^z Mar. Achiev. II.
279. Pinkerton I.
119.

He held a parliament in the castle, to which he summoned all the northern chiefs and barons. Three men of rank were executed, and Alexander, Lord of the Isles, was ordered into custody for a year.^a Conciliatory measures served but to increase the pride of this noble. On being set at liberty, he indulged his revenge, by burning the town of Inverness, and then proceeded to besiege the castle. Justly irritated, the King marched against the spoiler, and defeated his forces, 23d June, 1429. No course remained to the vanquished prince, but to sue for mercy. He came privately to Edinburgh, and kneeling down before the high altar of Holyrood church, during the celebration of divine service, attired in his shirt and drawers, besought the royal clemency.^b The place, the time, and habit of the suppliant, awoke compassion. His life was spared; but he was doomed to captivity in Tantallon castle.

^a Pinkerton, I. 119.

^b Buchanan's
Scottish Simames,
131.

The lenient conduct of the King excited neither gratitude nor regard; fresh commotions broke out in the Highlands. Angus Duff and Angus Moray, lately delivered from their imprisonment in the Castle of Inverness, met in conflict with 1200 men on either side. The encounter was long and deadly; of the whole force engaged, but nine were left alive.^c At the same time, Donald Baloch, cousin-german to the exile Alexander of the Isles, invaded Lochaber, and attacked the Earls of Mar and Caithness at Inverlochy.^d The last was slain, with sixteen squires of his own family, whilst the Earl of Mar found safety in flight, after beholding the defeat of his army. Donald having wasted Lochaber with fire and sword, retired with an immense booty to his isles. Of these spoilers, none shone so barbarously pre-eminent as a robber of the sept M'Donald. A widow whom he had defrauded, threatened to lay her case before the Sovereign himself.^e Indignant at the menace, the wretch nailed horse shoes to the soles of her feet, adding insult to cruelty, by exhibiting her to his fellows. But the woman found means of stating her grievances. The offender was secured, and by an act of impartial

A. D. 1431.

^c Bower.

^d Buchanan, Lib.
X. p. 465.

^e Ibid. X. 466.

justice, received a treatment similar to what he had inflicted. He was then beheaded along with his associates. Whilst these events were transacting, Donald Baloch took refuge in Ireland, where the stroke of an assassin terminated his career, and his head was dispatched as a present to the King.

In the midst of his endeavours to regain tranquillity to the kingdom, his Majesty was not unmindful of those friends who had assisted him in his distress; and the attachment which Hugh Fraser had shewn to his sovereign in his voluntary exile, procured him many proofs of his regard. He had a grant from the King as Comes Rossiæ, of the lands of Golfurd, Kynobody, and others within the county of Nairn,^f and the barony of Kinnell in Forfarshire; both charters dated 14th September, in the 25th year of his Majesty's reign.^g He was constituted High Sheriff of Inverness-shire, 1431;^h and is said to have been created the same year a Lord of Parliament.ⁱ *

From his time, it is certain that the family have been ranked among the Scottish nobility.^k

For, on the 22d June 1605, a proclamation was made, that "Dukes, Marqueses, Earls, Lordis and Baronis, should schaw yair evidents to the effect yai may knaw quha is maist worthie, and every man to have his awen place in Parliament, and uther proclamations, yat yai compear the first of November, thair haill names being read out by the messenger."^l In consequence of which order, a decreet of ranking of the Scottish nobility, as authorised by King James VI., was given out, 5th March 1606, narrating the citation of the different nobles, (*Simon, Lord Fraser of Lovat*, being among the number,) and decerning the order of preference

^f Reg. Mag. Sig. L. III. No. 91.

^g Ibid. L. III. No. 92.

^h Douglas, Peer. old Work, 428.

ⁱ Ibid. Wood's Edit. Vol. II. p. 156.

^k Crawford's Peer. 271. Nisbet, Herald. App. 116.

^l Biriel's Diary from 1532 to 1605, p. 63.

* The MS. in the Advocates' Library, so often referred to, says Lord Lovat met James I. at the Spey, on his way to Inverness, and was then created High Sheriff of the county, p. 146. It speaks of a charter in the public records by John Hay of Lochloy, to John Hay, his son and apparent heir; the witnesses to which are Hugo Fraser de Lovet, *vicecomes* de Inverness: Donaldus Calder, *vicecomes* de Nairn, and Johannes Nairn, de Cromdale, *vicecomes* de Elgin, but it neither mentions date nor record.

to be as therein set down in all time thereafter.^m In this decreet, Lord Lovat is placed between Lords Oliphant and Ogilvy; after the first, and before the latter: The whole nobility that day (5th March 1606), being 1 Duke, 2 Marquises, 24 Earls, and 37 Lords—In all 64.

^m Carmichael's Tracts on Scottish Peerage, p. 32, *et. seq.*

Of the vouchers tendered by Lord Lovat in proof of his creation and precedence as a Lord of Parliament, there is this entry: ⁿ “*Lovat. Compeirit not Lord Lovat. Ex Registro. Ane indentour maid in Englich, 3 Martij 1426, ° betwixt tua nobil and myghtie lords, Villiame Fenton, Lord of that ilk, one the ane pairt, and Hew Fraser, Lord Lovat, one the other pait, anent the marriage of the said Lord Lovat with Janet Fenton, sister of the said Villiame Lord Fenton; quilk indentour is confirmit be the King, 16th September, anno 1430, in Libro Regist. Chartarum.*”

ⁿ Ibid.

^o Error, should be 1416.

When, therefore, we see this document thus publicly relied on, (although the words of the confirmation bear no such interpretation,) it may fairly be concluded, that the family of Lovat had been ennobled in James the I.'s reign, at a period subsequent to 1430.*

Upon what authority Nisbet takes it upon him to say, that they were elevated to the peerage by the title of Lord Lovat by James I. on 3d March 1426, I am ignorant.^p The assertion must be gratuitous; for no record hitherto discovered sanctions it, and Lord Lovat himself, in the lawsuit in 1730, admitted there was *no patent*.

^p Heraldry 389.

Lord Lovat died in 1440,^q and was interred at Beaulieu.

^q Wardlaw MSS. Fraser MSS. Ad. Lib. p. 156.

* The annals of the Frasers have traditionally handed it down, that their ancestor sat in Parliament the same year his contract with Miss Fenton was confirmed,—*Annals*, p. 6; as does Nisbet, Heraldry, 389. In the Genealogical History of the Earls of Sutherland, p. 47, narrating the conflict at Clagnahayre, between the Monroes and M'Intoshes, it is mentioned that John Monroe, the tutor of Foulis, being left for dead, was taken up by the Lord Lovat, *his predecessor*; an incidental intimation, exactly tallying with the period when the first lord's father flourished. The fight took place anno 1341,* (a date different from the MS. above quoted.) Hugh, the father, was then alive, and succeeded to Simon in 1348—and Hugh, the son and *Lord*, succeeded in 1415.

^{*} Laurie's Scots Wars, 116.

By Janet Fenton, who predeceased him, he is said to have left an *infant* son, Hugh, who succeeded him in the title. But there is proof that he had another son, *Alexander*, who died unmarried, and who could not have been the *brother* of the *first* Lord as Douglas says.^k Hugh Fraser, who did homage to the Bishop of Moray, was dead, as we have seen, in 1410.^l His son * is termed “Lord of the Lovat” 1416,^m and how could he be so whilst an elder brother was yet living, and he only to succeed to that brother in 1429? The first Lord Lovat therefore had a son,

^k Douglas, Peer. Vol. II. p. 156.

^l Reg. Mag. Sig. Duke Albany's Charter, 30 March 1410.

^m Contract with Lord Fenton, Reg. Mag. Sig. L. III. No. 95.

VI.

ALEXANDER, who died unmarried, as is proved by a deed in the Wemyss charter-chest in the following terms—and by the service of his brother Hugh to him :ⁿ

ⁿ Ibid. 94.

“Be it kende till all men throuch thir present lettris, Huchoune Fraser of the *Lovete*, and scheref-deput of Innernes, till hafe ressavit fra my deireste and beste *beluffit bruthir in lauch Davy of the Wemys*, Lorde of that ilke, fyve and threty marke of usuale moneth of Scotlande, be way of mareage, payit to me, and in my name, to my deputs; that is to say, payit in Dundee for my armyng, to Mark and to Will of Tevedale, my servand, 15 mark, and alswa to Thome of Mongwele my clerk, 10 mark; of the quhilke some of 35 marke, as is aforesaide, the said Davy of the Wemys my bruthir, his ayers, executors, and assignays, and als of his obligatione of this some aforesaide for ever, I quiteclame. In witness of the quhilk thyng my seile to thir lettres, I gerte to be put at Elchok, 10 day of December, the yher of oure Lorde, 1429 yher.”

* The MS. history in the Advocates' Library, makes *Alexander* younger than Hugh. This is disproved by record. He is made to marry Janet Hay, daughter of Hay of Lochloy, by whom he is said to have got the lands of Kinstarry and Kindy, in Nairnshire, and to have been the founder of the family of Farraline.

A third son, John, married Ann Sinclair, daughter of the Constable of Dingwall, and from him are sprung the Frasers of Craigroy.

An only daughter is said to have married William Leslie of Balquhain, of whom is come Count Leslie in Germany, as well as Leslie of Balquhain.* All these children will be found in the Genealogical Tree.

* Laurus Leskeana, LVI.

HUGH, SECOND LORD,

VII.

Is served heir to his brother Alexander on the 2d May 1430.ⁿ “Quod Alexander Fraser de Lovet frat. Hugonis Fraser de Lovet, lator presentium,” &c. are the words of the retour recited in the charter of confirmation, granted in the 25th year of King James’s reign. Lord Lovat, himself, got charters this same year; and I can only reconcile the difficulty that occurs, by supposing him to have infest his sons in the *Inverness* estates during his own life. The service was a special one to the said Alexander Fraser before the Sheriff of Inverness, in the third part of the barony of the Aird, and in the barony of Abertarff, comprehending Stratherrick, the third part of Glenelg, the three Lewis, Mucory, Balvraid, Lienach, the two Daltullichs and Dalcross. The new extent of the whole 10 merks; the old extent 340 merks. Donald, Thane of Cawdor, John Rose of Kilravock, and Alexander M’Kenzie of Kintail, are of the inquest. All the lands were holden of the Earl of Moray, ward and relief.

ⁿ Reg. Mag. Sig.
L. III. No. 94.

This Lord is said to have married Lady Janet Dunbar, daughter of Thomas, Earl of Moray: ° This has been clearly disproved. Lord Lovat had issue,

° MSS. of Frasers,
Advoc. Lib. p. 156,
MSS. of Chisholm.
Crawford’s
Peerage, 271.
Wardlaw MS. of
Frasers.

1. *Thomas*, who died young, and was prior of Beaulieu, *ad commendam*.
2. *Hugh*, his successor; and two daughters.

1. Alison, died young,*

2. Isabel, who married David Cuming of Earnside, and had a numerous offspring.^p

^p Wardlaw MSS.
MS. Hist. of
Frasers, Advocates’
Lib.

Lord Hugh died at the early age of 28, in the year 1450,^q according to the family historians, and was succeeded by his son,

^q Wardlaw MSS.

* The MS. in the Advocates’ Library, calls her *Giles*, and says she was married to Farquhard M’Intosh, Captain of Clan Chattan. In other respects, the authorities tally. She may be the lady said to have been united, for the 2d time, to Sir Walter Innes.*

* History of Family
of Innes, 22.

VIII.

HUGH, THIRD LORD,

^r MS. Hist. of
Fraser, Advocates'
Lib.

^s *Ibid.*

Wardlaw MSS.

^u Records of Par-
liament. Car-
michael's Tracts on
Scottish Peerage,
p. 49.

Buchanan, Book
XII. p. 69.

Retoured to his father 1450,^r and educated at Court by the Earl of Murray. He is not mentioned by the peerage writers, who, misled by the name, have confounded him with his father, and classed the events in which he was an actor under the previous head.^s He married Margaret Lyon, daughter of the Lord of Glamis, who bore him four sons and three daughters;—was cotemporary with the Regents Robert and Murdoch, Dukes of Albany, and is said to have been knighted by James II., who conferred on him the Order of the Thistle.^t The first time he occurs in record is in 1471, when the Lordis “ Auditoris, on 13th May that year, decern that *Hew, Lord Fraser*, sall content and pay to Alexander Flemyng ye mailis of ye landis of Petquhyne, taken up and receivit be him of twa yeiris and a half bygone.”^u

Lord Lovat is again presented to our view as rescuing his province from the freebooters of the Isles.^v The premature death of James II. had transferred the sceptre to the feeble hands of a child; and the confusions attendant on a minority were the immediate consequences. The Lord of the Isles, like his predecessors, the Norsemen and Seakings, had his gallies ever ready for prey. Availing himself of the present commotions, that potentate sailed for the main land, and seized the castle of Inverness.^v From thence he marched to Athol, where he captured the Earl and his lady, and burnt the church of St Bride. Hugh, Lord Lovat, having opposed the passage of the invader through his territories, and compelled him to make a circuit in another direction, incurred the resentment of the Island Chief. On setting out for Athol, he accordingly left a strong party under the command of his brother, with injunctions to make reprisals on Lovat's tenantry. These increasing daily in number, by the arrival of fresh auxiliaries, emboldened the latter to lay siege to the castle of Lovat. But the spirit of his clan warded off the danger, and Lovat compelled the assailants to retreat. The irritated peasantry, at the same time, fell on the retiring columns, and occasional skir-

mishes took place, as far as Caplach, four miles west of Inverness. Here the Macdonalds stood at bay, and fought with all the determination of men goaded to despair. Their valour was unavailing; and the remembrance of the field of Mamsha long preserved the tranquillity of the Aird.^w

^w MS. of Frasers
in Adv. Lib.

An indenture is entered into, 3d March, 1472, betwixt an honourable lord, Hew, Lord Frasure, of the Lovet, on the one part, and the haill town, or burgh of Nairn, on the other part, whereby they oblige themselves, their heirs and successors, to the said Hew, Lord Fraser of the Lovet, in leal and true manrent and service; and he to be to them a good lord, maintainer, protector and defender, in all their righteous causes and quarrels.^x

^x Lovat Case, 1730;
where the Principal
Indenture was pro-
duced.

Hew Lord Fraser is ordained to pay 50 merks Scots to William Wallace of Craigie, and Margaret, Countess of Crawford, his spouse, as her terce for the third part of the lands of Strathrane, during her life, 13th March 1478.^y

^y Carmichael's
Tracts 59. Records
of Parliament.

A short respite from feudal animosities gave this nobleman an opportunity of embellishing the house of Lovat with the fine orchards which still remain there. These peaceful labours were soon to be disturbed.^z Gillespie M'Donald, nephew to Donald of the Isles, in revenge for the repudiation of Sir Kenneth M'Kenzie's wife, invaded Ross, in the year 1478, and was defeated in a sharp conflict with the M'Kenzies, Dingwalls, Baynes, M'Cullochs and Frasers, at *Blar-na-Parc*, near the river Conan. The next year the M'Donalds were again beaten in Sutherland.

^z MS. Hist. of
Frasers, Adv. Lib.
179.

A feud which had long subsisted between the Beaths and Guns, in Caithness, was now put an end to, by the selection of twelve horsemen from each clan, who were to meet at the chapel of Tayre, near Girnigo, and decide all differences. The Guns, headed by their Cruner, came first, and, whilst paying their devotions,^a were set upon in the chapel by their enemies, who had treacherously brought two riders on each horse. In spite of their numerical inferiority, they maintained a desperate conflict, and killed 18 of their antagonists, but their little band were

^a Pennant, l. 201.

butchered to a man. The manner in which this murder was retaliated was characteristic of the age. The grandson of the Cruner, getting hold of twelve of his adversaries, slew every one of them in cold blood.^b

^b Conflicts of the Clans, 21.

About this period, the priory of Beaulieu was repaired, at the expence of the superior, a natural son of Alexander of Kintail, who is there buried.^c

^c MSS. of M'Kenzies.

A. D. 1479.

John Reach M'Kay of Far, son of Angus who was killed by the Rosses, in the church of Tarbet, anno 1438, applied to the Earl of Sutherland, his superior, for a force to avenge his father's death.^d The Earl acceded to this request, and sent his uncle, Robert Sutherland, at the head of a detachment. He accordingly entered Strathoccal, and gave the people and their habitations to the pillage of his soldiery. The Laird of Balnagown, chief of the Rosses, marched to the relief of his vassals. He came up with the M'Kays and Sutherlands, at Altcharish. Their superior hardihood gained the day; Ross and 70 gentlemen of his name, besides a great number of their followers, were killed, whilst the M'Kays and their confederates lost but six gentlemen and 150 common men.

^d MSS. of Frasers in Adv. Lib. 184.

The repeated occurrence of these domestic feuds lessens our surprise at the impotent endeavours of our kings for the civilization of the north. Every leader was independent; and the only method of restoring tranquillity was, by turning the swords of the more potent clans against an unruly adversary. The government itself was unequal to the task. An attempt was indeed made,^e in the reign of James VI. to reduce the tribes inhabiting the borders and Highlands to some sort of obedience. Seventeen of the former and thirty-four of the latter are enumerated, whose leaders were commanded to give sureties for their behaviour, and were made answerable for their dependants. But the repeated insurrections in after reigns prove this remedy to have been unavailing. To the curious it may prove matter of surprise how few of the most eminent clans own a Celtic origin. The powerful race of the Cumines, once Lords of Badenoch, are of English extraction.^f From a Norman ancestor are sprung the noble family of Grant.^g We recognise the progeni-

^e Stat. II. James VI. 95.

^f Caledonia, l. 556.

^g Ibid. 596.

tor of the Campbells in the Anglo-Norman husband of the Celtic heiress of Argyll.^h In a Fitz-Gerald the M'Kenzies seek their origin. The Frasers are undoubtedly Norman;ⁱ whilst the Sutherlands, Flemings, Morays, Leslie, Douglasses and Inneses owe their descent to a Flemish, and the Gordons to an English ancestry. There is something singular in the migration of these Teutonic swarms;—that these pirates of the North, after ravaging the shores of Southern Europe,^k and becoming Frenchmen by their settlement in Normandy, should again face their congenial climes, and close their wanderings in the remotest corners of Scotland! Their presence engendered, in all likelihood, among the indigenous tribes, that hereditary rancour so long characteristic of the natives. To the extermination of this baneful spirit of revenge were required the lapse of centuries, and the introduction of those arts which soften the ferocity of man. A legislative enactment,^l in comparatively modern days, finally broke the charm which linked the vassal to his lord, and bade him yield an undeviating obedience. No longer called upon to shed his blood in the unavailing contests of rival chieftains, the Highlander has a nobler field for action in the armies of his country. No longer ferocious and idle, the peasant can appreciate the blessings of industry. The leader no more summons his people to war, for they are free. By the patriotism and exertions of the proprietors, the spirit of improvement has gone forth: and those mountainous regions over which ignorance so long held her leaden chain, are awakening to all the energies of a new existence.

A charter was granted by James III. ratifying a charter by Hugo Dominus Fraser de Lovat, ac Baro Baronie de Kynnell, to John Striveling, of some parts of Kinnell, of which Lovat was superior, in the year 1476, and the confirmation is dated 28th February 1480,^m which proves, that the family had for some time been Lords of Parliament. Hugh granted another charter to his cousin, George Striveling, dated at Montrose, 1st November 1499, which is confirmed by charters under the Great Seal, 22d October 1526, wherein he is called *quondam* Hugonius Dominus Fraser de Lovat.ⁿ

^h Caledonia, I. 597ⁱ Leland, Antiq. Collect. I. 208.^k Hallam's Middle Ages, I. p. 28.^l 20 Geo. II.^m Lovat Case, 1730; Nisbet, Heral. App. 116.ⁿ Reg. Mag. Sig. Lib. XXI. No. 49.

In the Earl of Haddington's Collections there is a charter, dated in 1480, to Sir James Ogilvy of Airley, of certain lands which the King had apprised "a consanguineo nostro Hugone Domino Fraser."

The artful representations of the Earl of Angus having produced a general revolt against King James III.'s government, the conspirators, to sanction their cause, had the Duke of Rothesay, his own son, a youth of sixteen, betrayed into their hands, and placed at the head of their enterprise. The King was busied in seeing measures for the administration of justice in the shires of Aberdeen and Inverness carried into effect, when the tidings of the revolt arrived.^o Having crossed the Forth to Blackness, a pacification was tried with the insurgents, but without success. The Earls of Atholl, Monteith, Crawford, Rothes, Sutherland and Caithness, the Lords Forbes, Ogilvy and Lovat, and the Laird of Grant, marched to his assistance. Before these forces could join him, he met the confederate peers, near Stirling, on the 11th June 1488, and was defeated. Falling from his horse, he was slain, some say, by the Lord Grey, others, by Sir Andrew Borthwick, a priest, in the 29th year of his reign, and 35th of his age^p

^o MSS. of M'Kenzie's.

^p Pinkerton, I. p. 329. Caledonia, I. p. 835. Martial Achievements, II. p. 472-475.

On the 16th December 1494, "The Lordis auditoris decretis and deliveris yat Donle M'Gilcillum sall restore, content and pay to Hew Lord Fresale of ye Lovait, four hundreth ky, price of ye pece xxs.; xxxvi hors, price of ye pece xxvis. viiid. ; ix. scheip, and yat price of ye pece iis., and for certane gudis were spulzeit and takin fra ye said Hew and his tennentis out of ye landis of ye Ard, and Esther Ferneway, be ye said Donle and his complices, as wes sufficiently preffit before ye Lordis; and ordains yat lettrez be written to distrenze him in his landis and gudis, yarfare, and he was summoned to yis actioun oft tymes, callit and nocht compeirit."^q

^q Records of Parliament, 453.

^r Original Presentation, in the hands of the Author.

Andrew, Bishop of Moray, presents Sir John Matheson to the chaplainry of St John the Baptist, within the parish church of Inverness,^r on the nomination of a Noble Lord, Hugh Fraser, Lord of Lovat, 20th October 1499. From the frequent presentations to this altarage by the

family of Lovat, it is not unlikely that the right of patronage to the parish church, still alternately enjoyed with the crown, had its origin.

* Lord Hugh is said to have died in good old age, at his Castle of Lovat, after witnessing the government of two Regents and four Kings ; consequently, he was born in the time of his grandfather, the first Lord. He was succeeded by his son *Thomas*.

2. His second son was a great favourite of James IV., and was slain with that unfortunate monarch at the fatal field of Flodden, 9th September 1513.^c The historian calls him *Thomas*, the manuscript *Hugh*, which is the likelier denomination, as his son *Thomas* succeeded to the title. 3. The third son, *Alexander*, died young.*

4. John, the fourth, was educated at Oxford ;^u became rector of Dingwall, and dean of the chapel royal of Restalrig.^{v,†}

^c Wardlaw MSS.

^c Martial Achievements, II. p. 540.
and Wardlaw MSS

^u MSS. of Frasers,
Adv. Lib.

^v Rot. Scot. II. 509.

* *Alexander*.—This is the Alexander to whom Douglas (Peer. Vol. II. 156) ascribes the foundation of the families of Farraline and Lead-Clune. The MS. again gives as their ancestor, the Alexander, son of the first Lord, whom we have seen, was succeeded by his brother, and could have had no issue. Such are the conflicting notices, defying arrangement, through which the genealogist has to toil. Yet, if conjecture be allowed, there was nothing to prevent the Alexander, of whom we now speak, though he died young, to have left a son, the founder of the house of Farraline, and the Slich-Ian Mhic-Alister, i. e. the posterity of John the son of Alexander.

† John Fraser, Rector of Dingwall.—During the reign of James IV., several Frasers rose to eminence in the church. John Fraser, born 1480, after studying at Paris, went to Italy, and entered the order of St Francis, of which he became a conspicuous ornament. He wrote a history of Henry VIII. of England, which is commended by M^cKenzie, as containing a minute particular of the proceedings in the divorce against his Queen.—M^cKenzie's *Lives of Eminent Authors*, Vol. II. p. 344.

John Fraser, a son of the family of Fruid in Tweeddale,* was Abbot of Melross, and promoted to that see in 1485. He was one of the King's Privy Council, 1506, Lord of the Session 1506, (prior to the institution of the College of Justice,) and died 5th February 1507, aged 78. He was likewise Bishop of Ross, 1506.—*Keith's Bish.* 112.

* MSS. of Frasers
in Advoc. Library.

Alexander Fresale, Burgess of Linlithgow, obtains from King James IV., a charter of two parts of the lands of Arbole, in the earldome of Ross, shire of Inverness, which had fallen into the King's hand, *ratione bastardie Joannis quondam Episcopi Rossensis*.—*Keith*, 112.

John Fraser was deacon of the Chapel-Royal of Restalrig, "clericum rotulor" and one of the

Of the three daughters,

1. MARGARET, died young.

2. AGNES or ANN, married Sir Kenneth M'Kenzie, 8th laird of Kintail.* *

* Douglas, Peer.
II. p. 156.

† Wardlaw MSS.

There are few of the numerous families of the M'Kenzies in Ross, but what are descended of this alliance.†

King's Council, A. D. 1493.—*Rotuli Scotiæ*, Vol. II. p. 509-11.—*Reg. Mag. Sig.*—*Lib.* 13, No. 77, where he is a witness. He was *the son of Lovat*, mentioned above, and was one of the ambassadors sent by James IV., to treat of his marriage with an English Princess.*

* MSS. in Advoc.
Library.
Fœdera, Tom XII.
p. 534.

* The courtship was a rough one; for Sir Kenneth went to Lovat, accompanied by 200 armed men, and besieged the house. Lord Lovat demanded his purpose, when he coolly told him he wanted to marry his daughter, Ann, and vowed friendship or revenge as his suit was received. His Lordship gave his consent to the match, provided the young lady was favourable. She fortunately proved submissive, and M'Kenzie returned with his bride.

Sir Kenneth M'Kenzie was knighted, for being highly instrumental in reducing his fierce countrymen to the blessings of civilized life; and died about 1506 or 1507. He had four sons by his second lady, Agnes Fraser; having divorced his first wife, a sister of the last Earl of Ross, who bore him one son, an ill-fated and ill-treated youth. The divorce being somewhat irregular, application was made to the Pope to sanction the second marriage, which he did, anno 1491. Sir Kenneth was the first of his family who was buried in Beaulieu, all his predecessors having been interred at Icolmkill.†

† MSS. of
M'Kenzies.

1. John.

2. Alexander.

3. Roderick.

4. Kenneth, and two daughters.

John married a daughter of the Laird of Grant, was Privy Councillor to James V. and Queen Mary, and died 1561.

‡ Ibid. Doug. Baron,
492.

From *Alexander*, ‡ the family of Davochmaluack is sprung.

Roderick was progenitor of the M'Kenzies of Achilty, Faerburn, Ardross, and others. He died at Contin, 17th March, 1533, and was buried at Beaulieu. § The families of Suddy, Ord, Corrovalzie, Highfield, Inverlal, Little Findon, Scatwell and others, claim *Kenneth*, the 4th son as their ancestor. He fell at Flodden, 9th September, 1513. ||

§ MSS. of
M'Kenzies.

|| Martial Achievements,
II. p. 540.

1. Agnes, the eldest daughter, married Roderick M'Leod of Lewis.

2. Catharine, the second, Hector Monroe of Foulis. ¶

¶ Doug. Peer. Vol.
II. p. 480.

3. JANET, Lord Lovat's third daughter, married Allan M'Intosh of Forecastle, of whom there came a numerous progeny,—the sons of Kil-luchy and others.^a

^a Wardlaw MSS.

Lord Lovat had also two natural sons, *Thomas Roy M'Vaister*, of whom a numerous progeny; and *Hugh*, surnamed, from a long residence in France, Hutcheon Franchack, from whom is descended the family of *Foyers*, and 18 others in Stratherrick,^b contrary to the authorities who carry that race back to the first Hugh Fraser of Lovat. The posterity of Hutcheon Franchack, are to this day called Slick-Hustein-Frankich.^d

^b Ibid.

^c Doug. Peer. II. 155. Nisbet, Herald. 114. App.

^d Historical Account of Family of Innes, p. 8. from MSS. in possession of Duke of Roxburgh.

IX. THOMAS, FOURTH LORD,

Served heir to his father, 22d May 1501. Thomas was forty years old at his father's death; ^e and was justiciar in the north, under James IV.^f "Ye Lord Lovat" is mentioned in the Parliamentary records of the year 1505. The page is printed as defaced, yet the notice which remains, seems to point out the original commission to act along with the Earls of Huntly, Crawford and the Knight-Marshall, as Governors from Tay to Shetland. The Earl of Huntly we know to have been Lieutenant-General in the Highlands.^g

^e Wardlaw MSS.
^f Crawford Peer. 272. Lovat Case, 1730.

^g Records of Parliament, p. 524. Geneal. Hist. Sutherland, 82.

When James IV. was united to Margaret, daughter of the English King, in 1503, almost all the nobility and gentry of Scotland were present at the nuptials;^h Lord Lovat being of the number.ⁱ Vast crowds of Highland retainers attended on the Court, with their vassals, and actually fought in real combat with targets and two-handed swords, to the music of their bagpipes; "insomuch, that they were admired by the English and French, who had never seen men so ambitious of wounds, and so prodigal of their blood in sport."—Convincing proof how vulgar were the pleasures of even the most exalted society!

^h Martial Achievements, Vol. II. p. 514.

ⁱ MS. of Frasers in Ad. Lib.

A parliament assembled at Edinburgh soon after the marriage of the King, for the purpose of carrying the blessings of law and civilization into the mountains. The justices and sheriffs of the northern Isles were

A. D. 1504.

ordered to hold Courts at Inverness, or at Dingwall; various districts were allotted to the jurisdiction of Perth and Inverness; and a sheriff was appointed to the county of Caithness. In addition to the salutary effects to be expected from so important a change, the acquisition of the western isles greatly promoted the intentions of the Sovereign. By the forfeiture of the usurper Donald, the domains of a house, long the rivals of sovereign princes, became the property of the crown, and the marauders who had so often excited the alarm of the continent, were henceforth to feel the force of offended royalty. Till this era, we find the Highland chiefs exercising an authority independent of the laws. They had their own courts and their own officers, in proof whereof, the chroniclers mention that the Lords Lovat were in the constant practice of perambulating their estate, and holding meetings for the punishment of delinquents.^k

^k MS. of Frasers,
Ad. Lib.

Thomas, Lord Lovat, figures in the 10th year of James's reign.

^l Lovat Case, 1730

A charter was granted by Patrick Ogilvy, of Kilbrevoek, confirming the sale of the lands of Phopachie, to Thomas Fraser, son and apparent heir to Hew, Lord Fraser, and his heirs and assignees, dated 21st October 1498.^l Henry Douglas de Bartland, grants charter to Thomas Fraser, apparent heir to Hugh, Lord Lovat, of the lands of Montloth and others, 15th June 1499.^m He had a precept of sasine from James IV., dated 30th April 1501, for infefting him as nearest and lawful heir to his father in the castle and lands of Lovat with their pertinents;ⁿ viz. third part of the barony of Aird and Abertarff, Stratherrick, third part of Glenelg, and a great many others, whereupon an instrument of sasine followed on 12th May following. Charters were granted to Thomas, Lord Fraser of Lovat, of the barony of Kinnell, which fell into the King's hands by recognition, 14th October 1501.^o

^m Ibid.

ⁿ Ibid.

^o Reg. Mag. Sig.
Lib. XIII. No. 431.

^p Lib. XIV. No 71.

Of the lands of Dalcorse, which is a barony, to him, and Janet Gordon, his spouse, 17th November 1501.^p

^q Lib. XV. No. 119.

Of the lands of Dalcorse and Kirkton, proceeding on his own resignation to him, and Janet Gray, his spouse, 6th May 1509.^q

Of the two Moys, Ardranach, Ingliston and others, lying in the lordship of Beaufort, 14th June 1511, by John Ogilvie, Laverochlaw, to the said Thomas, his heirs and assignees, confirmed, 31st July thereafter. ^r

^r Lib. XVI. No. 23.

Charter of apprising, in favour of Thomas, Lord Lovat, of the lands of Balecaranock.^s Charter of confirmation, confirming a charter granted by Henry Douglas of Kilbirny to "an noble lord, Thomas, Lord Fraser of Lovat, his heirs and assignees, of the lands of Kilbirny, Castle of Bewley and others, in the lordship of Beaufort." The charter confirmed is dated 15th October 1509, and the confirmation 12th January 1510. Charter ^t is granted of the lands of Manys and Memysbank, part of the barony of Kinnell, to Thomas, Lord Fraser, and Janet Gray his spouse, 1st June 1514.

^s Lib. XVIII.
No. 23, 35.

^t Lib. XIX. No.
42.

Thomas, Lord Fraser of Lovat, gives to Sir Nicolas Barron, the chaplainry of St John the Baptist, within the parish church of Inverness, 20th January 1504. The grant is made with consent of the burgesses of Inverness.^u Andrew, Bishop of Moray, commendator of Pittenweem, and Cottingham in England, gives letters of presentation to Sir John Auchleck, of the chaplainry of St Catharine's, within the parish church of Inverness, 1st April 1509; witnesses, Lord Thomas Fraser of Lovat, Alexander Fraser and others. *

^u Original in hands
of the Author.

In the neighbourhood of Inverness, is a singularly shaped mound of earth, called Tomnahurich, remarked by all travellers, from Pennant to the present day, having every appearance of being artificial. On the top of this tumulus, we are assured Lord Lovat was in the habit of dispensing justice.^v The assertion is by no means incredible; and adds another to the many proofs of the similarity of all human institutions, in a rude state of society. We know that eminences were, in different parts of Scotland, the sacred and peculiar spots where Courts were held. "The Mute Hill of Scoon,"^w has been immortalized by the fictions of our antiquarians, and the Deempster and Lawmen still give forth doom in presence of the people, and the twenty-four Keys on the Tynwald of Man.

^v MS. in Ad. Lib.

^w Ross's Lectures on
Law of Scotland,
II. 56.

* See the Bishop's seal, engraved, in the Appendix.

* Edinburgh Review, No. 72. p. 302.

† Edinburgh Review, No. 72. 297.

‡ Ibid. 302.

§ MSS. in Ad. Lib. 190.

|| Ibid.

¶ Acts, f. 8.

The Icelandic Laugrett was held on "*the Hill of Pleas*." * Forty-eight men sat on each of the three benches which surrounded its summit, the fourth in the centre being destined for the bishops and lawmen. When the Swedes lost their King, then every Laghman,† with the assent of those who dwelt in his Laghsagha, summoned twelve men, wary and wise, with whom he came to *the Stone of Mora*, and chose a king. A folkmote was held at Guloc, in the year 934, to decide a contest between the sons-in-law of a Norwegian bonde.‡ Erick, the King, was present at the Court, which was assembled on a *heath*, within a ring formed by hazel wands, connected by ropes, called the boundary of peace. In the vicinity of Inverness, there exists a barrow, on which the proprietors of Culcabock held a leet, and received the rents of their lands, in the memory of persons yet living. The acts of these rude courts were distributed through the districts which acknowledged the authority of the judge. Those of Lord Lovat's administering in the year 1514, regulating the prices of corn, cattle, servants fees, timber, clothes and shoes, were in the possession of Mr Finlay Fraser, provost of Inverness.§—So authoritative were the commands of a great baron, and so insignificant the domestic traffic of the country! In a fire which broke out at Lovat at this time, Rory M'Kenzie of Fairburn, son of Kenneth M'Kenzie of Kintail, and nephew to Lord Lovat, being a great bare-headed boy in his uncle's house, rushed through the flames, and brought out the family charter-chest and other valuables, for which service he was considered amply recompensed by the gift of a bonnet and a pair of shoes. ||

Such accidents were of frequent recurrence: To the inroads of hostile neighbours, and to the low estimation in which writings of any kind were held, may we ascribe the paucity of documents our highland families can shew. They may reckon back their genealogies through the visions of their bards, but would fail in a legal competition for antiquity, with many of their southern brethren. Men incited to destroy each other by statute,¶ had indeed little cause to regard the usages of civilised life. The few deeds which remain, have chiefly reference to ecclesiastical matters. It was in the monasteries, that literature, in an age

of darkness, found a rude retreat, and from the cloister, issued those technical terms and subtleties, which still disfigure our conveying.^d

^d Ross's Lectures on Scots Law, I. p. 26.

On the 5th of May 1518, James Bishop of Moray, on the presentation of the noble and potent lord, Thomas Lord Lovat, issues letters of induction to the chaplainry of the altarage of St John the Baptist, within the parish church of Inverness, in favour of Sir John Scot. The deed is witnessed by the noble and potent lord, Alexander Lord Levingstoun and others, and has the bishop's seal attached, in fine preservation.^e *

^e Original in possession of the Author.
^f Wardlaw MSS.

ⁱ By contract of marriage, passed betwixt George Earl of Huntly, and Hugh, Lord Fraser, his father, Thomas, Lord Lovat, should have married Lady Margaret, daughter of the Earl; but upon the death of his intended bride before marriage, he espoused Janet Gordon,^g daughter of the Earl's brother, Sir Alexander Gordon of Achindown and Midmar, and had by her three sons,

^g Hist. Suth. Peer. 83. Douglass, Peer. Vol. II. 156. MSS. of Frasers in Ad. Lib. Life and Advent. of Lord Lovat, p. 16.

1. *Hugh*, his heir.
2. William of Teachors.
3. James of Foynes.

Douglas^h is at variance with the family memoirs, in identifying his brother slain at Flodden, as one of his sons, whom he makes to have been but two, Hugh and Thomas.

^h Peer. *ut supra*.

From William, are sprung the families of Culbockie, Belladrum and Little Struy.

James, his third son, who had charters to James, brother-german of Hugh, Lord Lovat, of the Kings lands of Drumdervale, in Lordship of Ardmanoth in Ross, 7th June 1539; and Kinkel, Culbockie, Pitlun-die in Inverness, 25th October 1542,ⁱ fell at the battle of Lochlochy, and left an only daughter, married, first, to the laird of Gairloch, and afterwards to the Chisholm of Comer.^k

ⁱ Douglas, Peer. II. p. 156.

Lord Thomas married, on the decease of his first wife, Janet, daugh-

^k MSS. of the Lords of Lovat, in possession of Fraser of Culduthel, and also MSS. of the House of M'Kenzie, preceding 1667, by John M'Kenzie of Applecross.

* See the Seal, engraved, at the end of the work.

ter of Andrew, third Lord Grey, relict of Alexander Blair of Balthyock.¹

¹ Wardlaw MSS.
Doug. Peer. Vol.
II. p. 156.

Douglas has made James, son of the first marriage, the fruit of this union. The family writers again say,^m that by the second marriage, Thomas had,

^m Wardlaw MSS.

1. Robert.
2. John.
3. Thomas.
1. Janet.
2. Isabel.*

Robert married Janet Gelly, the heretrix of Braky, in Fife, and purchased the estate of Braky, Kinnell. He was killed at the water of Beaully, by the monks.ⁿ

ⁿ Culduthel MSS.
of Lords of Lovat.

John married the Laird of Grant's daughter, and had a numerous progeny.

Thomas married Ann, daughter of M'Leod of Harris, from whom came the tribe, *Slick ian vic Thomas*.

Janet married John Crichton of Ruthven, and is documented in a charter to Janet Fraser, daughter of the deceased Thomas, Lord Fraser of Lovat, for her life, from John Crichton of Ruthven, of Brightouns of Ruthvens and Rothvendenny, in Forfar, 2d October 1527.^o

Isabel died unmarried.

^p Besides these children, this noble had a natural son, begot between

^o Reg. Mag. Sig.
Lib. XXII. No. 18,
19. Crawford's Peer.
272. Doug. Peer.
Vol. II. p. 156.
^p Wardlaw MSS.
MSS. of M'Kenzies.

* So inconsistent is family biography, that the Culduthel MS. gives three daughters to the first marriage: the first married to M'Kenzie of Kintail; the second to the laird of Muidart; whilst in the Wardlaw MSS. there appear two Margarets, two Isabels, and two Janets. One Margaret is said to have been the wife of a Mackay, surnamed the Red-Eye, ancestor of Lord Reay, another of Muidart. Isabel is said alternately to have died young and to have married Muidart; Janet to have died young, and to have married the friend of the Regent Stewart. We can but suppose them to be replications of the same name; and on close investigation, it appears that the writer of the Culduthel MSS. has confounded the daughter of Hugh, third Lord, married to Sir Kenneth M'Kenzie of Kintail, with the daughter of his son.

the period of his first and second marriage, called, from his fair complexion, Hutcheon Bane of Relick. From him are come the Frasers of Moniack.

Lord Thomas was witness to an instrument of resignation of the earldom of Sutherland, made by Alexander Sutherland, the bastard, in presence of the Sheriff of Inverness, on the 25th July 1509, in favour of his brother, John, and his sister.¹

He died at Beaufort Castle, 21st October, 1524,² and was buried at Beaulieu. Lachlan, Laird of M^cIntosh, was murdered by one of his vassals, the same year.³

¹ Additional Case of Countess of Sutherland, p. 143. Sir A. Gordon's Geneal. Hist. Suth. ² Lovat Case, 1730; Doug. Peer. Vol. II. p. 156. MSS. in Advoc. Library, 197. ³ Memorabilia of Inverness.

X. HUGH, FIFTH LORD,

Succeeded his father, to whom he was served nearest and lawful heir in the castle and lands of Lovat,⁴ with their pertinents; viz. the third part of the barony of the Aird, with its pertinents; the haill barony of Abertarff, with its pertinents; viz. Stratherrick, the third part of Glenelg, &c. the three Leys, Machavie, Balabrayt, Achanach, the two Daltulichs, Dalcorse, with its pertinents, and Gusa-chens, Comeskyl, Mald, Meinzie, Wester Eskidell, the two Bontacts, Culburny, cum Monte, castre ejusd. nuncupat Beaufort, and many other lands mentioned in the retour, being the whole estate of the family. Retour, dated at Inverness, 10th January 1524-5.⁵ Upon this retour followed a precept of sasine and public instrument, dated 15th March, 1524-5. James V. granted a charter, confirming to Hugh, Lord Fraser of Lovat, another given by Colin, Earl of Argyll, to him, his heirs or assignees, of the lands and barony of Kirkton and Inchbarry, dated 3d May 1527.⁶ Lord Lovat also got a charter of three-fourths of the lands of Ingliston and Kingsly, "cum lie yairs et piscationibus," proceeding on the resignation of George Haliburton of Gask, and containing an erection of the said lands into a barony, dated 2d March 1528;⁷— charter of confirmation of the feu of the Kirkton of Kilmorack, and fishing on the water thereof, called the Ess, which had been given to a

⁴ Lovat Case, 1730.

⁵ Lovat Case, Answers for Hugh M^cKenzie, 22d July 1729, p. 22.

⁶ Ibid. and Reg. Mag. Sig. Lib. XXII. No. 74.

⁷ Ibid. No. 272.

noble and potent lord, Thomas Fraser of Lovat, his heirs and successors, dated 26th April, 1532.^x The following charters were likewise granted to this lord: Charter of apprising to Hugh, Lord Fraser of Lovat, his heirs and assignees, of the lands of Glenelg, dated 7th March, 1532; ^y charter of the lands of the Moys; the lands of Kilbirny, *cum monte vocat Beaufort in Aird*, proceeding on his own resignation, and is given to him and Lady Janet Ross, his spouse, and longest liver of them in conjunct fee, dated 19th July 1536; ^z charter by Archibald, Earl of Argyll, to him and the said Janet Ross, of the lands of Kirkton, dated 27th August, 1536; ^a charter confirming one by John Forbes of Pitsligo, of the lands and village of Aigas, Easter and Wester, with the milns, dated 20th December 1536; ^b charter by King James V. of the barony of Kinnell, on his own resignation, dated 14th September, 1537. ^c In the year 1539, ^d Lord Hugh resigned his castle and lands, and baronies of Lovat, Stratherick, Aird, Abertarff, Herculis, otherwise Strathglass, and Dalcos; lands of Ardranicht, Kilbirnie, fourth of Belladrum, and a variety of other lands, into King James V.'s own hands, at Linlithgow, and obtained from his Majesty a charter, uniting and erecting all the various lands and baronies so resigned, into one free and entire barony, to be called, in all time coming, the barony of Lovat, in favour of himself and the heirs-male of his body, lawfully procreated, or to be procreated; whom failing, to his lawful and nearest heirs-male whomsoever, carrying and wearing the arms, crest and surname of Fraser, in fee and heritage, and free barony for ever. The charter is dated at Linlithgow, the 26th March, 1539, there being present, Gavin, Archbishop of Glasgow, Chancellor; Henry, Bishop of Candidacasa, chaplain to the royal chapel of Stirling; James, Earl of Moray; Archibald, Count of Ergadia, Lord Campbell and Lorn; Malcolm, Lord Fleming, “Magno Camerario;” Thomas Erskine of Brechin, secretary; James Kirkaldy, of Grange, treasurer; James Foulis of Colintown, clerk register, and Thomas Bellenden, of Auchnoluyskill, director of chancery.

^x Answers for M'Kenzie *ut supra*, in Lovat Case, 1730.

^y Ibid. Reg. Mag. Sig. Lib. XXVII. No. 5.

^z Ibid. and Lib. XXVII. No. 312.

^a Answers *ut supra*, p. 230 in Lovat Case.

^b Ibid. and Reg. Mag. Sig. Lib. XXVI. No. 80.

^c Lovat Case, *ut supra*.

^d Reg. Mag. Sig. Lib. XXVI. No. 214.

^e Additional Case for the Countess of Sutherland, p. 125.

^e It was under the destination of this deed, of the dignified barony of Lovat, that the Court of Session, rightly, though incompetently, ad-

judged the honours of the name to Captain Simon Fraser, in 1730, as explained more fully in the sequel.

Lord Hugh married, 1st, Anne, daughter of Grant of Grant, by whom he had one son, Hugh, sometimes called *Simon*, and one daughter, Janet, who died young.^f

Lord Hugh Fraser of Lovat had a charter of the lands of Beaufort, 28th July 1542.^g

A charter is granted by the Bishop of Moray, dated 13th May, 1544, to Hugh, Lord Fraser of Lovat, in default of whom, to Hugh Fraser, son and apparent heir of the said lord and his heirs-male, of the lands of Esther Kilmylies, Vester Kilmylies, Balnafare, Esther Abreoquhy, Vester Abreoquhy, Kilquhynnan, mill of Both (Bught), and fishings of the Ness, called Freschot.^h

Lettersⁱ are given, ordering sasine of the same lands to his son, Alexander, Lord Lovat, 9th August, 1550. At this time Hugh was dead, having fallen with his father in the fight of Lochloch, or Blarnalein, as it is sometimes called. He was a youth of singular promise; and, conformable to a general practice with men of rank in those days, had been educated in France.^k

By his second marriage with Janet, daughter of Walter Ross of Balnagowan, Hugh, Lord Lovat, had,^l

1. *Alexander*, his heir.

2. *Andrew*, afterwards called *William of Struy*, from whom is descended the family of Struy. He became tutor to his nephew, the young lord.^m

1. *Ann*, married M'Leod of M'Leod, and had a daughter by him, married to Auchinbreck. After his death, she married John Bain of Tulloch,ⁿ and they are documented in a charter of confirmation of the lands of Wester Logy,^o 31st March 1563. From these two marriages numerous branches of M'Leods, Campbells and Bains are sprung.

2. *Catharine*, married Rose of Kilravock.^p

Lord Hugh sat in Parliament, as a peer, in the year 1540,^q

In his character of lieutenant of the north, he put to death the strag-

^f Doug. Peer. Vol. II. 157. Wardlaw MSS.

^g Reg. Mag. Sig. Lib. XXVIII. No. 123.

^h Chart. Moray, Vol. II. p. 806.

ⁱ Ibid. 912.

^k MSS. of Frasers, Advocates' Lib.

^l Memoires de la Vie du Lord Lovat, p. 8. Life and Adventures of Lord Lovat, 16.

^m Culduthel MSS. Wardlaw MSS.

ⁿ Wardlaw MSS.

^o Reg. Mag. Sig. L. XXXII. No. 594.

^p Wardlaw MSS.

^q Roll in Scots Acts, Vol. II. p. 356.

^r MS. Hist. Frasers, Adv. Lib. 203.

^s Ibid. 205.

glers of a band of notorious robbers, led by one Robert Stran, who had been executed some time before at Perth.^r The turbulent nature of the times calling for the utmost vigilance around baronial residences, Lord Lovat^s fortified the castle of Lovat with a strong double oaken gate, crossed with iron bars, and surrounded the platform in front of the house with a ditch and rampart of earth. He repaired the chapel, which had been nearly destroyed by fire in his father's time. He established Cross Fair at Beaully, on the 3d of May, and procured an act of Parliament for a weekly fair every Wednesday. Fairs were then held in Glen Convent. The fair of St Mauritius in Downey, All Saints in Kilmorack, and Michaelmas, at Beaully. Lord Lovat's retinue, on the occasions when he rode to proclaim the fairs, were very numerous. On one occasion he is said to have had in his train three lords, and six barons, with all their followers, in full armour. Such parade was not without its use. The ferocity of the clansmen required a curb, and order was rarely settled without bloodshed. The following instance may suffice: The district of Petty, which had been held of the Earl of Moray, in lease, by the M'Intoshes, having been given by him to the Ogilvies, the M'Intoshes, in revenge, attacked Hall-Hill, in Petty, the residence of Ogilvy, laird of Strathern, and killed 24 of his followers. For this outrage, the Earl of Moray quartered the leader of the M'Intoshes, and hanged 200 of his followers in one day!^t

^t Memorabilia of Inverness.

A. D. 1531.

^u Geneal. Hist. Suth. 110. Wardlaw MSS.

On Queen Mary's accession to the throne, Lord Lovat was appointed her justiciar in the north.^u In the year 1544, several tribes, taking advantage of the distracted state into which the nation was plunged, committed great excesses. To restrain their boldness, George, Earl of Huntly, was sent into the Highlands with a considerable force; and, by his exertions, restored to the Lords of Lovat and Laird of Grant, several lands of which they had been dispossessed by the Clan Cameron and the people of Glenco, Mudiard and Knodiard; but the inaccessible nature of the fastnesses into which these spoilers retreated, greatly impeded his operations, and finally forced him to return. Lord Lovat, going to take the lands, recovered from the enemy, into his own hands, was waylaid,

on his return, at Lochlochy, ^v by a mixed rabble of the M'Ronnals, and other clansmen, and a desperate conflict ensued. The Frasers stript to their shirts, whence the fight is called that of *Blaranlein*. Each party having discharged their bows, and their arrows being spent, flew to their swords, with which they fought till night-fall, victory inclining to neither; and, when day broke, the carnage alone betokened the vanquished. The loss sustained by the Frasers was such as to threaten a total annihilation of the name. Four only escaped; Lord Lovat himself, the Master, his eldest son, and 80 gentlemen having fallen. Tradition hands it down, that Lord Lovat, having stooped and lifted up some water in the hollow of his hand to quench his thirst, a cry was raised by his followers that he was killed, whereupon they encompassed his body, and fell each where he stood. The young and accomplished Master owed his death, say the family writers, to the taunts of his stepmother. He did not at first accompany his father on the expedition; but her insinuation of his cowardice prompted him to follow, and he joined his friends in time to share their fate. His stepmother's end was attained, in the succession of her own son to the title.

^w One writer has ascribed the defeat of the clan to the treachery of a corps of reserve, who basely fled with their leader. The battle lasted 12 hours, and was the bloodiest ever fought in that country. Seven Macdonalds were all who came out of the field, and the whole were wounded. ^x Lord Lovat and his son were brought from the scene of action next day by his vassals, who came in crowds to see the spot, and were interred at Beaulieu. Fraser of Foyers, the only gentleman who survived, owed his recovery to the humanity of his foster-brother, for which that person and his descendants got a free grant of the croft they laboured. The inscription over Lord Lovat's tomb was visible till the year 1746:

“ Hic Jacet Hugo Dominus Fraser de Lovat, qui fortissime pugnans
contra Reginalderios occubuit Julii 15. 1544.” ^y *

^w Memoires de la
Vie du Lord Lovat,
p. 8.

^x Ibid. 2.

^y Fraser MSS. in
Adv. Lib. 220.

* Mr Riddel has obligingly communicated to me, that, in the Heraldic MSS. of the 16th

The restoration of the name, and the means by which accomplished, though within the bounds of possibility, savour nevertheless of the marvellous. Buchanan, and the author of the History of Sutherland (and they are re-echoed by the family writers), give it gravely forth, that the wives of those slain were all pregnant when they went to the fight, with this difference, that Sir Robert seems to imply the pregnancy of 300 wives, whilst the family writers, more veracious, or willing to bound their flight, make their number but 80! The misfortunes of the Frasers are ascribed by Buchanan^z to the intrigues of Huntly, who was jealous of the power of their chief; but the Sutherland historian has exculpated his memory from this charge.^a

^z Lib. XV. p. 227.

^a Hist. Suth. 110.

^b Wardlaw MSS.
Life and Advent. of
Lord Lovat, 16.
^c Wardlaw MSS.

^c Record of Chancery, Lib. I. fo. 18.

The battle of Lochlochy took place, 15th July, 1544,^b when Lord Lovat was 55 years of age, having been born in the year 1489.^c The day of combat is further ascertained by a retour of his grandson, Hugh, afterwards Lord.^d

XI.

ALEXANDER, SIXTH LORD,

^e Records, Gen.
Reg. Sheriff Court
Books of Inverness.
^f Ibid.

was served heir to his father, at Inverness, 24th October, 1544,^e and 24th April, 1553.^f *

The perpetual chaplainry of St John the Baptist, within the parish church of Inverness, being vacant, by the death of Sir John Scott, chaplain thereof, Patrick, Bishop of Moray, "perpetual commendator of the monastery of Scone," presents Sir William Baldon to the same, on the gift of a noble lord, Alexander Fraser, Lord of Lovat, and burgess

century, formerly mentioned as having been seen by him in England, there is this notice of the battle of Lochlochy: "The Lord Lovat, the laste lord, with all his kyne and friendis saving one boy to succeed, was slayne in the 27th of Henrie the eighthe, by the Clanranald, a mischievous surname in the Isles, valiantlie foughten. (Something wanting to make out the sense here.) This Baron is of good lyving and power in the north, ailyed, and a dependent upon the Erle of Huntly. A surname esteemed honest, and verye hardye."

* Extracts of all the services from this lord downwards are in the family repositories.

of Inverness, and of the bailies and town of Inverness. 2d November 1545.^g

^g Original in hands of the Author.

Sir William Baldon did not long enjoy his honours, being succeeded in the same chaplainry by Sir James Cuthbert, as appears from the presentation by the same bishop, on Alexander Lord Lovat's recommendation, 26th June 1550.^h His Lordship is a witness to the presentation.

^h *Ibid.*

Lord Lovat married Janet, daughter of Campbell of Calder, by whom he had three sons and one daughter,ⁱ

ⁱ Doug. Peer. Vol. II. p. 157.
Wardlaw MSS.

1. Hugh, his heir.

2. Thomas, of Knockie and Strichen.^k

^k Original Charter at Strichen, 24th Sept. 1557.

3. James, of Ardochy.

1. Anne, married to John Fraser, of Dalcross, *alias* John More M'Vaister.*

The charge of his Lordship's education had been entrusted to Robert Reid, Bishop of Orkney, Abbot of Kinloss, and Prior of Beaulieu, who lived in a style of great magnificence, at Beaulieu, where he had built a mansion-house. Several young men of rank were under his paternal roof at the same time.^l

^l MS. Hist. in Advocates' Lib.

The first appearance Lord Lovat makes on record, after reaching manhood, is in a charter^m in favour of Alexander, Lord Lovat, and Janet Campbell, his spouse, and the longest liver of them, in conjunct fee, and to their heirs, upon the lands of the two Dalalythies, and others. The charter proceeds on the resignation of Alexander, and is granted by Queen Mary, in the 13th year of her reign, and is dated 16th

^m Reg. Mag. Sig. Lib. XXXII. No. 613.

* In the Decrees of Council and Session, * anno 1557, there is a long litigation between Dame Janet Ross, Lady Lovat, and Alexander, Lord Fraser of Lovat, relative to her terce, filling more than ten pages, in which there is a full specification of the Lovat estate. Allusion is made to a decret-arbitral, in which William, Earl Marshall, John, Lord Erskine, and George, Earl of Caithness, are named as the arbiters chosen by her ladyship, and the Reverend Father in God, Robert, Bishop of Orkney, Donald, Abbot of Couper, and William Murray of Tulybardine, as those chosen by Alexander, Lord Lovat, for deciding the disputes between them.

* Vol. XIV. p. 327.

March 1554. Upon this charter sasine followed in favour of Lord Alexander and his spouse, dated 8th, 9th, 16th and 20th November 1555.ⁿ

ⁿ Original Seisin
in Family Archives.
^o MSS. in Ad. Lib.
p. 228, 232.

^p Ibid.

^o In June 1555, the Queen-Dowager, Mary of Guise, having obtained the regency from the Earl of Arran, came in progress to Inverness to hold assizes.^p Y. M'Kay was summoned to appear before her Majesty, to answer for his depredations in the county of Sutherland. M'Kay disobeyed the call, and John, Earl of Sutherland, received instructions to exact his attendance. He accordingly entered Strathnaver, captured the fortress of Borwe, and hung the captain. M'Kay was compelled to surrender, and was committed prisoner to the castle of Edinburgh. His cousin, John Moir Mackay, availing himself of his absence, invaded Sutherland with a numerous band, who carried terror into every quarter. To oppose their progress, a force assembled under the conduct of Mac-James, the Terrell of the Doil, and James M'William. The two armies met at the foot of the hill of Bin-moir, in Berridale. An obstinate conflict ensued, in which both sides displayed the most determined courage. In the end the natives were triumphant, and the Strathnaver men fled across the Gar-warie.^a

^a Feuds of the
Clans.

Whilst the Queen remained at Inverness, Alexander, Lord Lovat, paid his respects to her, attended by a numerous retinue; when she condoled with him on the loss of his father and clan. Both the Lady Lovat and the Lady Dowager waited upon her Majesty at the same time; and Lord Lovat, at the head of 200 chosen followers, re-conveyed her to the banks of the Spey. On bidding him adieu, she paid him great commendations for his politeness and hospitality.

As Lord Alexander was much given to retirement and a love of letters, his father-in-law persuaded him that his health would be benefited by a visit to his estate of Glenelg. They accordingly began their journey in 1557. Some days were spent in fishing and hunting, and the travellers then visited the shrine of Iona. Their devotions paid, they returned to Glenelg, and from thence to Abertarff and Stratherrick. His Lordship never recovered this journey. He fell into a rapid decline,

and was recommended, by his medical attendants, to remove to the isle of Aigas, for the benefit of a milk diet. Here this amiable nobleman died in December 1557,^r and was buried in the priory of Beaulieu. He appears to have been born betwixt 1517 and 1527, but the precise date cannot be discovered, and it is variously stated in the manuscripts. His widow married Donald M'Donald, otherwise called Donald Gorm of Sky.^s

^r Special Service of his son Hugh.

^s Marriage Contract at Strichen.

XII.

HUGH, SEVENTH LORD;

born 1534,^t was served heir to his father, Alexander, on 2d May 1560, before the Sheriff of Inverness, in the barony of Kinmylies,* comprehending Balfearrie, Aberiachan, Kilchuiman, and Miln of Bught, with the fishings on the Ness, called Foreschot. He was again served heir, 10th March, 1567,^u in the lands and barony of Lovat.^v He previously expedite a special service, as heir of Hugh, Lord Fraser of Lovat, his grandfather, before the Sheriff of Inverness, in the feu lands of Beaufort,^w and afterwards in the lands of Kirkton and Inchberry, 31st May 1569.^x

^t Wardlaw MSS.

^u Extracts in Family Repositories, and Record. Gen. Reg. Sheriff Court Books of Inverness.

^v Ibid.

^w 16th May 1566.

^x Inq. Ret. Lib. I. fo. 18.

We proceed to notice the records in which his Lordship appears.

^y The Lords of Session pronounce an interlocutor, in an action for aliment, at the instance of Hugh, Lord Fraser of Lovat, George, Earl of Huntly, and Alexander Fraser of Philorth, his tutors, against William Fraser of Struy, Dame Janet Ross his mother, and Dame Jane Campbell, mother of the said lord, continuing the cause to the 22d of June then next,^z the witnesses being summoned "under great pains."

^y 22d May 1561.

^z Register of Decrets, Vol. XXI.

* The original conveyance of the barony of Kinmylies by Patrick Hepburn, Bishop of Murray, to the Lovat family, is in the possession of Major Duff of Muirtown, near Inverness. This barony has perhaps as early an historical notice as any in the kingdom. Lord Hailes quotes the notice of it in the chartulary of Moray, to support his theory respecting the title "Thane."

A contract is entered into between Hew, Lord Fraser of Lovat, and Alexander Forbes of Pitsligo, that he “shall infeft the said noble lord, his heirs lawfully gotten or to be gotten, whilks failing, his nearest and lawful heirs whomsoever, bearing the surname and arms of Fraser, whomsoever, by charter and seisin, in competent and due form, in the lands of Aiges Ester and Vester, with the Isle-mill, and forest thereof, called the forest of Browling,” dated at Edinburgh, 10th March, 1574, and registered 11th of the same month and year.^b

^b Register of Deeds, Vol. XIV.

Then follows a contract between Lord Lovat and John Wardlaw, burgess of Edinburgh, and David Vans, indweller in Leith, by which he was to infeft them in the above lands, in security of their cautionary engagement for him to the said Alexander Forbes of Pitsligo, for the sum of 2400 merks, dated at Edinburgh, 11th March 1574, and registered 12th March.^c

^c Ibid.

Hew, Lord Fraser of Lovat, and David Vans, indweller in Leith, enter into a contract dated the 11th, and registered 12th March 1574, on the narrative, “that forsaemickle as the said Lord by his writings, subscribit with his hand, at Beauli, 17th May 1573, is obligit to have deliverit to ye said David or his factors, in his name, fourlasts aught barrels of salmond, full reid and sueit, at ye feast of Lammas foresaid; and also has sauld to ye said David, in payment of salt receivit frae him, six barrels salmond: Therefore, the said Lord obligis him to pay to the said David, the said salmond, extending to five lasts, twa barrels full reid and sueit sufficient, markit guid and merchand wair.”—Strange times, when so paltry a transaction must be settled by the authority of a deed!

A gift of the escheat of Sir Alexander Dunbar of Cumnock, John Chisholm of Crathos, and others, is made to Hugh, Lord Fraser of Lovat, and Lachlan M‘Intosh of Dunachton, their heirs and assignees, at Holyroodhouse, 24th September 1574.^d

^d Privy Seal, Lib. XLII. fo. 82.

The year 1562 was remarkable for the visit which Queen Mary paid to the northern parts of the kingdom. Many circumstances had combin-

ed to awaken suspicion of the Earl of Huntly's movements; and her Majesty, not without reason, refused an invitation to his castle of Strathbogie. Struy, who was then tutor of Lovat, raised 500 of the flower of the clan Fraser, and met the Queen in Murray. Headed by their chief, Lord Lovat, they conducted her from thence to Inverness. On her arrival, the commanding officer of the Castle, by Huntly's order, shut the gates against her. Mary was compelled to lodge in the town, in a house near the old bridge. To ensure her safety, a small squadron entered the river; but her apprehensions of an attack from the Gordons were removed by the arrival of numerous bodies of Monroes, Frasers, M'Kenzies and Rosses, who came and tendered their services.^d The castle was besieged by the Queen's orders, and having been taken on the third day, the governor was hung at the gate for his treasonable conduct. The loyalty of his clan gained Lord Lovat great praise. By his timely interference, the danger which threatened the royal person was mainly diverted, and, under his banners, her Majesty again reached the boundaries of Aberdeen. The ill success of his efforts, drove Huntly into open rebellion, and falling in battle at Corrichie, before the rising star of Murray, he reaped the punishment due to his crime. The Laird of Struy was one of the Jury who afterwards sat on the body of the unfortunate Earl, and pronounced over the departed noble the pains of treason.

Lord Lovat, in the following year, went to Edinburgh to tender his duty to the Queen, and, on his return home, fell in love with one of the Earl of Athol's daughters, the same whom he afterwards married. From this time he lived chiefly with his grandmother, till her death in 1565.—A sad proof of the oppressed state of the people, and the small value of human life, was given in this year, in the execution of the chief of the clan Gunn at Inverness, for taking the "crown of the causey" from the Regent Moray!^e Lord Lovat was again an attendant on Court in 1567. By this time he had changed his politics, for he is one of those who signed the bond of association which followed on the Queen's resignation.^f From this period we find him a constant follower on the

^d MSS. of Frasers in Advoc. Lib. Robertson's Scotland, I. p. 174.

^e Memorabilia of Inverness.

^f Off. o State, App. 442.

Regent Murray. When the latter visited Inverness in 1570, every honour was paid him by his noble host, whose vassals waited on him as upon their Lord.^g

^g MSS. of Frasers in Adv. Lib. 250.

He married Elizabeth Stewart, daughter of the Earl of Athol, and had one son, Simon,

And two daughters,

^h Doug. Baronage, p. 335.

1. Margaret,^h married to James Cuming of Altyre.

ⁱ Ditto, S3. Register of Acts, Vol. 86, fo. 334.

2. Anne,ⁱ married to Hector Monro of Foulis.

According to Douglas, he had another daughter, Elizabeth, which, it will be seen, is an erroneous statement.

^k Wardlaw MSS.

He had also a natural son,^k *Alexander*, married to Janet Fraser, daughter of the Laird of Moniack.

^l Ibid. MSS. of Frasers in Adv. Lib.

Lord Hugh was Sheriff Principal of Inverness, and constable of the castle, to which office he was appointed in the year 1574,^l with the view of checking the alarming power of the Gordons in the North. It was the policy of the Government alternately to soothe and depress the heads of the clans. By investing them with the ensigns of authority, it brought to its aid the natural jealousy with which haughty and independent families looked upon their peers, and the system of force was thus occasionally instrumental in preserving a dubious tranquillity.

^m Warner's Ireland, Vol. I. B. 10.

Lord Lovat is said to have distinguished himself as a violent partizan against his royal mistress. Whatever factions he promoted for his own ends, so effectually did his severity restrain others from crime, that it is said a golden chain, suspended, during night, on a solitary tree, hung there untouched—an incident, whether fabulous or not, is of a piece with what is told by Warner,^m of one of the earlier Irish monarchs. It was his Lordship's custom to ride disguised through the country, and mingle with his people, when he failed not to remark the character and conduct of individuals. ⁿ Coming one night to his own shepherd's window, he saw him eating plentifully of good mutton. "You answer this to-morrow," cried he, through the opening, and instantly made off. A shot was the reply, and so well levelled, that the arrow stuck in the

ⁿ MSS. of Frasers in Adv. Lib.

tippet of his Lordship's hunting cap. The next day the vassals were convened, the delinquent amongst the rest. As the fellow approached, he saw the cap and arrow on the table. "Is that your's?"—An undaunted answer in the affirmative staggered his Lordship. "Think ye," said the man, "that I were a fit person to guard your sheep, had I not drawn as I did?" "Aim better in future," was all his master said, and the vassal for this time escaped. His Lordship was a great promoter of manly sports, and an expert bowman. It was a general custom in those days, for all the nobility of the district to meet at stated periods, for the purposes of tilting, fencing, riding the great horse, and the like exercises. At one of those rencontres in the chapel yard of Inverness, Lord Lovat dismounted the laird of Grant and the Sheriff of Murray. This, with some taunt which followed, so irritated these gentlemen, as to occasion sharp words, when Lovat said, that as he had given them a specimen of his tilting, he would now try the mettle of their riding. Dashing the rowels into his steed, he rode through the river, and made straight for the hill of Clagnahayre, bidding them keep apace; here he leaped his horse over the ledge of the rock, and dared his pursuers to follow. But they, terrified with the appearance of the place, judged it wisest to desist. The impression,^o says our author, made by his horse's shoes below, was visible for upwards of 60 years after, as it was kept clean by a man who had an annual pension for preserving it.

^o MSS. of Frasers
in Adv. Lib. 258.

The triumph of the confederate nobles paved the way to the destruction of the monasteries. Preferring paction to force, Lord Lovat received the Abbey of Beaulieu, and the property of certain church lands by charter, from Walter, prior of Beaulieu, and abbot of Kinloss.^p Towards the close of 1576, his Lordship went south to concert measures with the Earl of Morton, for tranquillising the northern parts of the kingdom. He died at Jowie, in Marr, on his return from Edinburgh, 1st January 1576-7, of an inflammation in the lungs,^q though there were many who hesitated not to avow their suspicions of his having fallen a victim to poison, the execrable practice of that unfortunate æra. His body was brought north on the 8th January, accompanied by 2000 clansmen of his own tribe, of the Grants, M'Intoshes and others, to Beaulieu, and there interred.

^p Mag. Sig. Lib.
XXXIII. No. 51.

^q Wardlaw MSS.
Lovat Case; Memorial for Lord
Lovat, 21.

The ten years previous to his death were remarkable ones. The year 1566 had been distinguished for the murder of Rizzio; and its successor was ushered in by the assassination of Darnley. Bothwell's trial followed, and immediately after he espoused the Queen. On her surrender at Carberry-hill, she was committed a prisoner for life to Loch-Leven Castle, and closed these extraordinary events by signing a forced resignation of the Crown. The friends of the royal cause beheld its complete overthrow at Langside, on the 13th May 1568.

Lord Lovat's widow, "a woman intolerable in all the imperfections of her sex," married, during the following Christmas, ^r Robert, Earl of Lennox and March, and grand-uncle of James VI. ^s The match appears to have been assumed as a mere cloak to a criminal intrigue with Captain James Stewart, afterwards Earl of Arran, Lord Chancellor. She finally divorced the Earl of March ^t—"for a reason," says a great historian, "no modest woman will ever plead," and married the Captain, to whom she was with child, before the separation from her husband. The marriage was solemnized with extraordinary pomp, and beheld by all ranks with the utmost horror. ^u Two sons were the fruit of the unhallowed union, the eldest of whom was James Stewart of Killeith, Lord Ochiltree. ^v If the outrage on public decency was great, the grossest abuse of their exalted station was manifested by Arran and his abandoned wife. ^w

After running a career of violence ^x and ambition, ^{*} the Earl of Arran was attacked about the end of 1596, as he was riding home-

^{*} To such straits was this wretched man at one time reduced, as to be obliged to come north and live concealed in the small isle of Bruiach, situated in the lake of the same name, some miles from Beaufort Castle.—MSS. of Frasers in Advocates' Library, 290. Tradition preserves the memory of a clan conflict on the banks of the lake between the Frasers and Chisholms, but in what age is uncertain. The chief of the latter tribe had stolen a daughter of Lovat's, and hid her in the islet. Her father, discovering the place of her retreat, came to her rescue and occasioned a battle. Tumuli scattered over the heath, denote the site of the contest, and recall the affecting words of Ossian:—"Gray stones and heaped up earth shall mark me to future times. When the hunter shall sit by the mound, and produce his food at noon, 'some warrior rests here,' he shall say. There shall he see the place of my rest, returning from the chace."

^r Robertson, I. 361.

^s Wardlaw MSS. Doug. Peer. Vol II. 157; and 124, Vol. I.

^t Robertson, I. 361.

^u Spottiswood, 315.

^v Doug. Peer. Vol. II. p. 329.

^w Scotsbarvet's Staggering State, 7.

^x Crawford's Off. of State, p. 141.

ward through Symontown, near Douglas, accompanied by a servant or two, by Sir James Douglas of Parkhead, a nephew of the Earl of Mor-ton's, the regent, in revenge of the rigorous procedure against his uncle, and slain on the spot. His head was cut off, and carried on the point of a lance, in a kind of triumph through the country; and so little clarity shewn to his dead body, that Calderwood, the ecclesiastical historian, who lived near the time, says, before it was buried, it was exposed to dogs and swine. Sir James Douglas himself met the reward of his crime a few years after. For in 1608, encountering Captain William Stewart, a nephew of the Chancellor's, on the High Street of Edinburgh, the latter drew his sword and ran him through the body, so that he fell down dead without speaking a word.^y

^y Ibid. 141.

Thus fell, and thus revenged was the Earl of Arran, a person^z "remarkable for all the vices which render a man formidable to his country; and a pernicious counsellor to his prince, without one virtue to counter-balance these vices, unless dexterity in conducting his own designs, and an enterprising courage, superior to the sense of danger, may pass by the name."

^z Robertson's Hist. II. 241.

^a To return, however :—After the interment of Lord Lovat, his brother Thomas, who had made his appearance at the head of 500 men, and the principal gentlemen of the clan, met at Glashearn, near Beaufort, to elect a tutor to the young lord, who was but five years of age. With them were 300 men in arms. William Fraser of Struie, grand-uncle to the Lord Lovat, insisted that he had an undoubted right to the tutory, having formerly executed that trust with fidelity and approbation. Thomas urged his claim as nearest of kin, being uncle to the young noble. The clansmen split into factions, and it appeared as if the dispute could only have been ended by the sword, when Donald Fraser Dow, dreading the consequence of an appeal to arms, withdrew secretly from the meeting, and repaired to Beaufort, where the Lady Dowager was. He acquainted her with what had passed, and, painting in forcible terms the folly and misery of the contest, besought her to interpose her authority, and prevail on Struie to wave his pretensions, otherwise a day more fatal

^a MSS. of the Frasers of Strichen, Wardlaw MSS.

to the Frasers than that of Lochlochy might ensue. To his request, the lady made an evasive reply ; professions of esteem for himself as a clergyman were liberally bestowed, (he being the first Protestant minister of Wardlaw ;) but propriety and a regard to her own dignity, forbade her going, she said, to their meeting, since they had not thought her worthy of being consulted, “ and whatever befel, not a drop of Stewart blood would be spilt.” The enraged clergyman, irritated at this taunt, instantly unsheathed his dirk, and told her ladyship, with an asseveration, (we speak of doings in the 16th century !) *her* blood would be the first that should be spilt, did she for one moment refuse compliance with his demands. Fear extorted what entreaty could not. She wrote to Struie ; he yielded, and Knockie was unanimously elected tutor. This trust he discharged so faithfully, as to be remembered, says the family historian, “ in the memory of our fathers, by the name of the Good Tutor of Lovat.” John, Earl of Argyll, became surety for Thomas Fraser of Knockie, that he should administer his office of tutor to the benefit of this ward, Simon Fraser pupil, son and heir of Hugh, Lord Lovat, 23d March 1576-7.^b

^b Register of Acts and Decrees, 67. fo. 405.

Strichen's first act of kindness was to reinstate in their cells the monks of Beaully, who had been dispossessed by act of Parliament, and to see a provision assigned them for the remainder of their days. The Doctors of Divinity, aided by the grey-friars and missionary priests, served the cure of the church of Inverness,^c of which Lovat was the principal heritor, till about the year 1578, when Strichen, having obtained the patronage of Bona, in his own person, confirmed under the great seal, that parish was annexed to Inverness, and he concurred with the town in installing Mr Thomas Houston or Howieson, to be minister.^d He had been in orders, and now reformed.

^c MSS. of Frasers in Advoc. Lib. 250.

^d Shaw's Moray, 360.

While the tutor of Lovat was thus discharging the duties of his important trust, his paternal cares were nearly overturned by the following incident.^e It happened that no marches were settled between the priory lands of Beaully and their neighbours to the north. The Laird of Kintail having an eye upon these, assembled his vassals, with the intention of

^e MS. Hist. in Advocates' Library, of Frasers, p. 273.

appropriating them to himself. Strichen, hearing of this disturber to the general peace of the country, rendezvouzed his followers at Beaulieu. The Laird of Foulis, his staunch friend, advanced to the banks of the Conan, with 300 men, to support his cause. Alarmed at the intrusion of so formidable an array into his territories, M'Kenzie had recourse to pacification, and the terms being such as were consistent with his rights, Strichen drew off his forces, and all differences were forgotten.

The following instances may be singled out in legal confirmation of Thomas Fraser of Knockie having exercised the office of tutor or guardian to his nephew :

Decreet of the Lords of Session, ordering registration of a bond by Hugh, Lord Fraser of Lovat, to David Vans, indweller on the north side of ye Brigg of Leith, dated 26th April 1572, now transferred against Simon, Lord Fraser of Lovat, his son and heir, and Thomas Fraser of Knockie, *his tutor*.^f

11th March 1579.

In an action at the instance of Elizabeth Stewart, Lady Lovett, against Thomas Fraser of Knockie, *tutor* to Simon, Lord Fraser of Lovat, decree is given out on 6th March 1577, wherein mention is made of the testament of Hugh, Lord Fraser of Lovat, dated at Elgin, 1st January 1576, by which he “constitut and ordainit John Erle of Athol, and Elizabeth Stewart, tutors, testamentors to his said son Simon,” no other son being mentioned.^g Notice is also taken of the letters of tutory in favour of Knockie, dated 20th March 1576.

^f Reg. of Decreets,
Vol. LXXIX,
fo. 150.

The Lords of Session pronounce sentence on the 14th July 1581, at the suit of Dame Elizabeth Stewart, Countess of Arran, first spouse of Hugh, Lord Fraser of Lovat, and the Earl of Arran, her husband, against Thomas Fraser of Knockie, tutor of Lovat, pretended factor, appointed by the Earl of March, her pretended husband, ordering the Sheriff of Inverness to eject him from her terce lands.^h

^g Reg. of Decreets,
B. LXXII. folio
307.

A contract dated 1st and 2d, and registered 2d March 1582,ⁱ is made between Dame Elizabeth, Countess of Arran, relict of umquwhile Hugh, Lord Fraser of Lovat, and James, Earl of Arran, Lord Avon and Hamilton, her spouse, for his interest, for themselves, and as

^h Ibid. Vol.
LXXXVI. fo. 346.

ⁱ Reg. of Deeds,
Vol. XX. Part 2.

taking burden for John M'Ranald, in Caithnock, on the ane part, and ane honorable man, Thomas Fraser of Knockie, tutor of law to Simon, now Lord Lovat, on the uther pairt," which narrates :—" That saemickle as the said umquhile Hew, Lord Fraser of Lovet, in his latter will and testament, nominat and ordainit the said Elizabeth, Countess of Arran, his relict tutrix testamentor to Simon, now Lord Lovat, his son, by reason whereof, the said lady intromittit with the said lord's living quhil the year of God 1578 ; syn the whilk tyme, the said Thomas, as tutor of law to the said Simon, Lord Lovat, has used the said office of tutory lawllie, and has intromitted with saemickle of the said Simon, Lord Lovat's living, as appertains to ye said tutory, beginnand at the year of God 1579 ; and continually synsine as he does yet." Therefore, it is agreed, that either of the parties shall ratify, as they there do the other party's right, " and intromission foresaid, and sall never impugn nor call the samen in question or doubt in time coming ; nor sall the said nobil lady pretend further title to the said office of tutory, neither testamentor nor dative, nor in time coming, whil the said Simon, Lord Lovet, be fourteen years of age complete ; and the parties further obligis them to make just reckoning and payment to the said Simon, Lord Lovet, on his obtaining parfait zeiris." A discharge by James, Earl of Arran, and Elizabeth, Countess of Arran, to Thomas Fraser of Knockie, follows, for the sum of L.1130. 6s. 8d in complete payment of the sum of 2500 merks, which the said Thomas became bound to pay as part of the stipulations in the preceding agreement. Discharge dated at Kinneill, 4th March, and registered 9th March 1582.^k

^k Reg. of Deeds,
Vol XX Part 2,
^l Reg. of Deeds,
Vol. XXI.

^l Thomas Fraser of Knockie, tutor of Lovat, enters into an agreement with John Wardlaw, burgess of Edinburgh, David Vans, indweller in Leith, and John Vans, his son, by which he sells to them, to Wardlaw the equal half, and to the Vanses the other equal half of the victual, bear, meal and salmon following, " viz. ten chalders bear ; 6 chalders 4 bolls meal ; 4 lasts and ane half last salmond, guid and sufficient merchand wair, full reid and suiet."—Dated at Edinburgh, 22d April 1583.

XIII. SIMON, EIGHTH LORD LOVAT,

only son of Hugh, 7th Lord, was born 1572. Served heir in special to his father, 20th June 1578, in the lands of Beauforcht.^m He expedie another special service to him, as heir-male of tailzie and provision on Glenelg, 6th October 1608.ⁿ Likewise, in the same character to Hugh, Lord Lovat, his great-grandfather, 21st March, 1609^o and on the 9th July 1629,^p he expedie a general service, as heir of Thomas, Lord Fraser of Lovat, his great-great-grandfather.

^m Extracts in Family Repositories, and Inq. Ret. Lib. I. fo. 73.

ⁿ Ibid. Lib. IV. fo. 188.

^o Ibid. Lib. IV. fo. 241.

^p Ibid. Lib. X. fo. 553.

Although his Lordship shewed no great inclination for letters, his uncle sent him to the King's College of Aberdeen, where he was placed under the care of Mr Rate, sub-principal.* His private studies were directed by Mr James Spens, whom he styles his pedagogue.^q In a little time he became so unruly, as to compel the Regent to intimate to his uncle he could no longer take charge of him. On learning this, the young noble, apprehensive of his guardian's displeasure, fled to Ireland with an Irishman, a fellow student. His flight threw the tutor into the greatest dilemma. The inquiries set on foot met with no success, till, about six months afterwards, when he received a letter from his ward, acquainting him that he had a curiosity to see Ireland, where he was a resident under the hospitable roof of the Earl of Antrim, who used him as his own child. Strichen repaired, without delay, to the King, and procured a letter from his Majesty, commanding the Earl to restore him to his friends. The order was obeyed. Lord Lovat eloped from Aberdeen, in July, 1586, and did not return till June, 1588.^r

^q Reg. of Decrees, Vol. LXXXVIII. fo. 113.

^r MSS. of the Frasers of Strichen.

On discovering the place of his retreat, the tutor, apprehensive that his nephew might be led into measures injurious to his interest, prevailed upon him to execute an interdiction, in the following terms:^s "Be it

^s Register of Deeds, Vol. XXVII.

* We learn from Oram's Description of the Chancery of Aberdeen, that this gentleman was Principal of the College, 10th December 1612. The same work mentions several Frasers as benefactors to the University.

kend till all men, by thir present letteris, me, Symon, Lord Fraser of Lovett, with express consent, assent and advice of my curators, undersubscribing, for eschewing of ye craft and dissait of sic persons as, for their own profett, nicht twist or move me to dispone ony pairt of my landis and leasing, and for keeping thair of together quilk sic time as I may have sufficient experience of warldly effeiris, to be bound, and by the tenor hercof, bind and obligis me, that I sall neither sell, annailzie, nor put away nane of my landis, barronis, roomis or possessionis, nor make ony assignations, resignations, nor renounce nor discharge ony actions that may be competent, nor grant tacks longer than five zearis, and that but diminution of ye auld rental that was paid off befor to me or my predecessoris: In short, that I sall, neither directly nor indirectly, do nor perform na deed that may hurt me nor my airs, anent our said leving, or onywais diminish ye rental thair of, without ye special advice, consent and assent of my honorable friendis after nominat: To wit, James, Lord Stewart, lair Chancellor of this realme; Dame Elizabeth Stewart, Lady Lovett, his spouse; James, Lord of Doun; Thomas Kennedy of Bargony; Patrick Gordon in Auchindoun; Alexander Fraser of Philorth; Sir William Stewart of Coverston, Knight; Thomas Fraser of Knockie, and William Fraser of Struy—at least of three of thaim obteinit thairto; ye saids James, Lord Stewart, Lord Chancellor, or his said spouse being alwais ane of the three. Witnesses, Robert Cuninghame of Kirkstile, Daniel Strang, son to Captain Strang, Sorill M'Konell, Lord of the Routt, Macangus M'Onell of the Glenis, and Mr James Spens, servitor to the said Lord Chancellor, with uthers divers. (Signed) Symon, Lord Fraiser of Lovett; James, Lord Chancellor, curator; Sir Robert Melville of Murdo Cairnie, Knight, curator: Daniel Strang, witness; Mr James Spens, servitor. Dated at Air and Glaimorne, in Irland, ye 15th September and 3d of October, 1587. Recorded 27th of October, the same year. *

* Alexander Fraser of Guisachan inhibits himself on the 17th of April, 1588, describing himself as "Ane young man not having experience in warldly affairis, facile, apt to be deccivit and enticit, by subtil and crafty personis." Thomas of Knockie is one of the curators therein appointed to him. *

A tack is granted by the Prior of Beaully, with consent of the chapter, of the vicarage tithes of the parish of Conventh to Simon, Master of Lovat, son and apparent heir of Hugh, Lord Lovat. 13th October 1576.^t

^t Charter Chest at Strichen.

A charter to the deceased Hugh, Lord Fraser of Lovat, by the Abbot of Kinloss, of the lands of Ardingrosk, was confirmed to Simon, Lord Lovat, “pupilli, filii et hæredis dict. quondam Hugoni Domini Fraser de Lovat, nunc in sua minore et tenera ætate,” 15th August 1579.^u Lord Simon Fraser of Lovat received charters of Kilmylies, in Inverness-shire, 10th October, 1586, as great-grand-child of Hugh, Lord Lovat, deceased;—^v of the barony of Beaulieu, 29th August, 1592;—^w of Easter and Wester Agygas, 13th July, 1610;—^x of the manor of Philorth, lands of Cairnbulg, Innernoth and Inverallochie, 26th July, 1616: The lands of Inverallochie, erected into a barony, called the Barony of Inverallochie, were given to him and Jean Stewart, his spouse, Sir Simon, their eldest son, and Jean Moncrieff, his wife; whom failing, to James Fraser, his youngest son; whom failing, to Lord Simon’s own nearest and lawful male heirs whomsoever, bearing the arms and surname of Fraser, and being Lords of Lovat, 20th December 1616.^y

^u Reg. Mag. Sig. Lib. XXXV. No. 787.

^v Lib. XXXVIII. No. 95.

^w Ib. XLVI. 147.

^x Ib. XLVIII. 152, 174, 341.

^y Original Charter in Repositories of Fraser of Castle Fraser.

^z Reg. Mag. Sig. Lib. XLVI. No. 305.

His son, Simon, received a charter of the barony of Kinkell Fraser, 20th June 1611,^z in implement of the marriage between his father and Lady Jean Stewart. Douglas has quite mistaken this son’s identity. He was not the *eldest* son, and did not die before his father without issue; but was the eldest son of the *second marriage*, as is clearly demonstrated in the dispositive clause of the Inverallochie charter. “Simoni Fraser, filio legitimo natu maximo prefati n’ri consanguinei Symonis Domini Fraser de Lovet, inter ipsum et dictam Dominam Jeanem Stewart ipsius conjugem, legitime procreat.” It deserves notice,^a that, in the two last charters, which relate to contracts of marriage, provisions are made to sons of a second marriage, yet no succession allowed to the daughters. This abundantly exemplifies the anxiety with which the Lords Lovat transmitted the succession to the *heirs-male* of the family.

Lovat Case, 1730.

Lord Simon was in high favour with James VI. by whom he was

^b MSS. of Frasers
in Ad. Lib. p. 292
to 301.

^c Nisbet, Herald.
App. 116. Wardlaw
MSS.

^d Sutherland Ad-
ditional Case, VI.
105. Doug. Peer.
Vol. I. p. 139.

A. D. 1588.

A. D. 1592.
^e Shaw, 222.

^f Robertson, II. 68.

^g Shaw, 222.

created a Lord of the Privy Council.^b Upon the death of John, 5th Earl of Athol, his uncle, in the year 1594, when that dignity became extinct, on the failure of the heirs-male, he had the offer of the title of Earl of Athol,^c but he declined accepting of the honour, as a sinking of his own title of Lord Lovat; whereupon the title, honour, and dignity of Earl of Athol was, *de novo*, conferred on John, Lord Innermeath, as being a Stewart, and originally of the same blood with the Earls of Athol,^d by charter under the Great Seal, 6th March, 1595-6.

After three years preparation, Philip of Spain resolved on the invasion of England, and the celebrated Armada approached the British shores. The Scottish King, fully sensible of the importance of making common cause with Elizabeth, rejected the alluring offers of a Spanish alliance. His nobles were not of the same mind. The Earls of Errol, Huntly and Crawford openly supported a faction attached to the interests of Spain. Their plots were discovered; but the King contented himself with inflicting a short imprisonment on Huntly and his associates. He even carried his clemency so far as to entrust to that nobleman the apprehension of Francis Stewart, Earl of Bothwell, who had made an attempt upon the royal person. Under colour of executing his trust, Huntly basely murdered the Earl of Moray at Dunibristle.^e

So odious a deed, combined with the discovery of fresh conspiracies, moved even the patience of James. With commendable resolution, he had the estates and honours of the malcontents forfeited; and he delegated to the Earl of Argyll the seizure of their territories. The youth and inexperience of this noble might have warranted the choice of an abler leader.^f

Argyll took the field, and summoned to his aid the Lords Lovat and Forbes, the M'Niels, M'Kenzies, Grants, Monroes, Leslies of Balquhain, and other clans.^g

Without waiting the arrival of those auxiliaries, Argyll gave battle to Huntly on the 3d of October, 1594, at the declivity of a hill between Glenlivet and Glenrinnis, and was totally defeated. This misfortune

seems as much to have been owing to treachery in the followers as to error in the commander; and the King himself has not escaped the charge of dissimulation. Previous to the battle Argyll laid siege to Ruthven Castle, in Badenoch, but was compelled to retire with disgrace. Here the Cumines, ancient lords of Badenoch, held their seat. Their fort stood on a green mount, jutting into a marshy plain. The height of the mount was about 20 yards, and the area on the top about 120 yards long and 60 broad. A double iron gate and a portcullis guarded the arched entry in the southern wall. Two towers flanked the north end of the court. Shaw saw this fortification entire.^b A barrack was constructed on the site of the old castle, to repress the Highlanders, in 1718. The rebels set it on fire in February 1746, after a siege of three days, during which it was gallantly defended by Serjeant Mulloy, with only 12 men. The walls still remain.

^b Ibid. p. 208.

Alexander, fourth son of Robert II. was lieutenant of this district, from Badenoch to the Pentland Frith.ⁱ This monster, justly called the *Wolf of Badenoch*, seized the Bishop's lands there; and, being excommunicated, he, in revenge, set fire to the town of Forres, the choir, and the archdeacon's house, in May 1390; and, in the subsequent June, burnt the town of Elgin, the church of St Giles, the Maison Dieu^k and the cathedral, with 18 houses of the canons!—Yet no punishment followed so gross a defiance of the laws.

ⁱ Robertson's Index, 118.

^k Shaw's Moray, 276. Pinkerton, Vol. I. p. 47.

That Lord Lovat was an *only* son is clear, from the following evidence.

1. The ratification in Parliament of Lord Simon's infestment styles him *son* and *heir* of Hugh, his father, 1584.^l

^l Scots Acts, Vol. III. James VI. p. 356.

2. He repeatedly occurs as the only heir of his father.^m On 26th April, 1585, a contract entered into at Beaully, November, 1575, between Hew, Lord Fraser of Lovett, and Thomas Fraser of Knockie, respecting certain feu-duties which Thomas was to pay from the lands of Farnlye and Urquhayne, is registered, at the instance of Simon, Lord Fraser of Lovett, *son and ayr* of umquhile Hew, Lord Fraser of Lovett, his fader, and James, Erle of Arran, John, Erle of Montrois, Sir John Maitland of Thirlestain, and Sir R. Melville of Murdo Cairny, his cu-

^m Reg. of Deceets, 79, fo. 150.

ⁿ Reg. of Deeds,
Vol. XXIII.

rators. ⁿ The Lords of Session pronounce decree, at the instance of Simon, Lord Fraser of Lovet, *son and ayr* of umquhile Hugh, Lord Fraser of Lovet, and Thomas Fraser of Knockie, his tutor, against Donald Dow, minister of Wardlaw, for the production of certain tacks of teinds, ^o 4th May 1580.

^o Reg. of Decrets,
79. fo. 321.

3. In the preceding charters, in 1579 and 1586, he is styled "son and heir," as well as "heir-male of tailzie and provision."

4. The charter of Inverallochy, in 1616, is destined, on the failure of Lord Simon's youngest son, to his own heirs *whomsoever*. Hence, he could have had no brother, otherwise that person, or his children, would have been inserted *nominatim* in the substitution.

^p Records of Sheriff
Court of Aberdeen,
Extract thereof in
Family Repositories.

^p 5. On the 1st of April, 1698, William Fraser of Inverallochy, calls, in an edict of curatory, Alexander Fraser, of Strichen, as one of his *nearest of kin on the father's side*, which he could not have done, had any brothers of Lord Simon, or their descendants, ever existed.

^q Peer. II. p. 157.

6. An adminicle is had in Douglas, who states that Hugh, Lord Lovat, had an *only* son, Simon. ^q

^r Register of De-
crets, Vol.
LXXXVI. fo. 334.

7. But what is conclusive of the fact, is a grant of letters of tutory under the Great Seal, dated 10th July, 1581, ^r by which James, Earl of Arran, Lord Hamilton, "is lawfullie constitut tutor-dative be our Sovereine Lord to Symon, Lord Fraser of Lovat, son and air of umquhile Hew, Lord Fraser of Lovat, Anna Fraser and Margaret Fraser, his *dochteris pupillis*." Simon was at this time but nine years old; and if he had had a brother, he must have been included in the tutory as well as his sisters. *

^s Extract thereof
in Family Reposi-
tories.

* This tutory corroborates the MSS., ^s that Simon had only two sisters, and proves Douglas's Baronage, p. 122, and Peer. Vol. II. p. 157, to be wrong in making *Elizabeth Fraser* another sister. For Elizabeth was born in 1592, by the MSS. and her supposed father Hugh died, as we have seen, in 1576. Besides, the tutory must have included all the children of Hugh the 7th Lord. This lady, therefore, was the daughter, as she is made to be, in the MSS. and not the sister, of Lord Simon, and was married to the Sheriff of Moray, wherein Douglas coincides, making the marriage in July 1618.—*Bar.* 122.

* Lord Simon married, when very young, 1st, Catherine, daughter of M'Kenzie of Kintail, by whom he had, 1. Hugh, his heir, and, 2. Elizabeth, married to Dunbar of Westfield, Sheriff of Moray.

^a Doug. Pear. Vol. II. 158. Wardlaw MSS. MSS of M'Kenzies.

^c 2^{dly}, Jean Stewart, daughter of James, Lord Doune.

^c Charter of Inverallochy, 1616.

The marriage was held at Falkland, ^u in presence of the King and Queen, and chief gentlemen of the clan. By her he had,

^u Wardlaw MSS.

1. Sir Simon of Inverallochy.

2. Sir James of Brea.

1. Anne, after the Queen, who died young.

2. Margaret, married, 1st, to Sir Robert Arbuthnot of Arbuthnot, 2^{dly}, to Sir James Haldane of Gleneagles. ^v

^v Reg. Mag. Sig. Lib. LV. No. 332.

3. Jean, died a child.

3^{dly}, Dame Katherine Ross, Lady Moiness, by whom he had no issue. ^w

^w Wardlaw MSS.

The family of M'Intosh held large possessions in the Aird, which this Lord Lovat, of whom we now speak, was very anxious to get into his own hands. With this view, he employed Fraser of Belladrum and Fraser of Culbockie to purchase the lands of Drimchardony, Holm and Cragach; but they over-reached him, and purchased them themselves. This was soon after the year 1617, and chagrined his Lordship not a little. ^x To make him some amends, he got a disposition that year of the barony of Fairntosh from the Laird of Calder. ^y

^x Wardlaw MSS.

^y Shaw's Moray, 116.

Lord Simon sold the lands and barony of Abertarff to Donald MacAngus M'Alister of Glengarry, on 3d October, 1606, under reversion, for 5000 merks. Thomas Shivez bought Muirtown from him in 1620, for 2000 merks Scots, ^z and he parted with Glenelg to Macleod, and mortgaged Kilmales, Fanellan, and Kingyle, to Strichen, and Phopachie, to Culbockie. ^a

^z Ibid. p. 129.

^a Ibid. 137.

Lady Stewart, his second wife, predeceased him by eleven years, she having died at Dalcross, in June 1622, and he on the 3d April 1633. ^b He was interred in the family burial-place in Beaulieu. Seven years prior thereto, ^c that is to say, in 1626, Sir Alexander Fraser of Doors, having lost his lady, came to visit Lord Lovat, and died whilst his guest, in

^b Service of his son, 10th May 1633.

^c Wardlaw MSS.

May that year. He was interred in St Catharine's aisle, in Beaully priory, his Lordship's own burial-place.

^a MSS. History of Frasers in Adv. Library.

Thus speaks one chronicler; another ^a says that this noble was the first of the Lovat family who was buried at Kirkhill, in the east chancel of the church. The place of interment previously had been Beaully priory. His funeral obsequies were performed in a style of splendour never before witnessed in that country. Upwards of 5000 clansmen in arms, of all the neighbouring clans, conveyed the body from Bunchrew to Kirkhill. At the moment of lowering the coffin into the earth, the horizon was illumined by the flames of his Lordship's corn-yard of Dalcross, which had been set on fire by Lord Lewis Gordon. Lord Lovat is represented as having possessed many amiable qualities; yet he has not escaped censure for an unbounded hospitality, which delapidated his estate. He entertained sumptuously. The expenditure of his family was seven bolls of malt, seven bolls of meal, and one of flour per week; 70 cows in the year, besides venison, fish, poultry, kid, lamb and veal, and all sorts of feathered game in profusion. His wines were imported from France, as were his sugars and spiceries, in return for the salmon produced in his rivers. His Lordship lived much in Inverness, ^b where considerable gaiety prevailed: Lord Huntly lived in the castle, the Lairds of M^cIntosh and Grant in the town, and Fraser of Strichen at Kinmylies, because the air of his own place did not agree with him. Between these gentlemen a continual interchange of civilities took place.

^b Ibid. 301.

^c Ibid. 310.

A. D. 1597.

In this Lord Lovat's lifetime, ^c a serious disturbance took place at Loggie-righ, on the banks of the Conan, in Ross-shire, on the occasion of the Candlemas market, 4th February. John M^cLeod M^cGilcallum, brother to Rasa, a bravo, who traversed the country with a band of seven or eight ruffians, committing every excess with impunity, under the countenance of some lairds, equally vicious as himself, had laid hold of a shopman's wife, and seized upon her husband's goods, when he was beheld by John Bain, brother of the laird of Tulloch. He, being touched with compassion, espoused the weaker side, and commanded M^cLeod to desist. From words they fell to blows. John Bain gave the ruffian three mortal wounds,

and killed two of his associates. His only second in this arduous conflict, was his foster brother, Donald Fraser M'Alister; the uproar spread, the M'Kenzies took the part of M'Gilcillum, the Monroes joined Bain, blows were dealt alike on friend and foe, numbers were slain, and the chace or running fight was pursued down the Frith to Mulchaich. Bain and his armour-bearer retired deliberately unhurt to Beauly, where Lord Lovat protected them, and dispatched Fraser of Phopachy with an account of the matter to the King, then at Falkland; whereupon an ample remission was sent to Bain, and his opponents ordered to be proceeded against as traitors. A different colour is given to the affair by the M'Kenzies, but they agree in the main points.^g

^g MSS. of
M'Kenzies.

Several fatal encounters happened about the same time between the M'Donalds and M'Leans of the Western Isles.

XIV. HUGH, NINTH LORD,

born September 1591, was served heir to his father, Lord Simon, at Inverness, in special to the lands and barony of Lovat, on 10th May 1633.^h He afterwards, on 19th May 1635,ⁱ exped a special service as heir-male to his father, in the lands of Ardnagrask and others.

^h Extracts in Family Repositories, and Inq. Ret. Lib. XV. p. 82.

ⁱ Inq. Ret. Lib. XV. fo. 256.

^k He married Isabel Wemyss, daughter of Wemyss of that ilk, by whom he had nine children :

^k Wardlaw MSS.; Doug. Peer. Vol. II. p. 158. *Mémoires de la Vie du Lord Lovat*, p. 11.

1. Simon ;
2. Hugh ;
3. Alexander ;
4. Thomas of Beaufort ;
5. William ;
6. James ;

1. Mary, born 1617, married to David Ross of Balnagowan in 1635.
2. Anne, born 1619, married to the Earl of Sutherland in 1639.
3. Catharine, married, first, to Sir John Sinclair of Dunbeath ; 2d Robert, first Viscount of Arbuthnot ; 3d, in 1663, to Andrew, 3d Lord Fraser of Muchill, born 1619.^l

^l Wardlaw MS.

^m Wardlaw MSS.

^m The death of his lady in 1636, seems to have affected his Lordship's mind so much, that he gave over all interest in his estate to his son Simon, betaking himself entirely to a life of religious seclusion. Yet Simon did not long enjoy his prosperity, being cut off 20th March 1640,ⁿ in presence of his father, brothers, and sisters. He was interred in the Chapel of Kirkhill.

ⁿ Ibid.

Hugh, the second son, served heir in special to his brother Simon, 26th July 1642.^o He was born 1624, and died 1643,^p during the lifetime of his father.

^o Inq. Ret. XVII. 126.

^p Service of his Son.

Alexander, the third son, born 1625-6, died 1670, was tutor of Lovat,^q and curator of Inverallochy in 1658; and died without issue, as his younger brother, Thomas of Beaufort, afterwards succeeded to the honour. There are various discharges in the Strichen charter chest, by Alexander, master and tutor of Lovat, to the Strichen family, for the tack and feu duties of Killin, Moniack, and other lands in Invernesshire.

^q Sheriff Court Records, Aberdeen. Extract Tutory from Chancery, in Family Repositories, dated 11th June, 1650. Also Retour of William Fraser of Belladrum, Inq. Ret. xxiv. fo. 52.

^r Wardlaw MSS.

^r *Thomas*, born 1631, died 1697-8, had a numerous family, one of his sons being the restorer of the male line.

William, born 1632, died 1639.

James, born 1633, in 1656 became a captain in a regiment levied by Lord Cranstoun for the King of Poland, and died in Pomerania, 1657.^s

^s MSS. of Fraser of Culduthel. MSS. of Fraser in Adv. Library.

That no male issue was left by either William or James, is proved by the edict of William Fraser of Inverallochy in 1698,^t before quoted; for at that date, when Lord Fraser of Muchil is called as one of the next of kin on the father's side, Lord Fraser's cousins, (the grandsons of the 9th Lord,) if alive, or their descendants, had any existed, would have been cited, in place of going to the Strichens, a branch so many degrees further remote.

^t Sheriff Court Records of Aberdeen.

In General Fraser's entail of the estate of Lovat in 1774, the Inverallochy family are substituted after the heirs-male of the entailer, and his brother, the Honourable Archibald C. Fraser, as the next heirs-male; whereas, if Simon, Alexander, James or William, sons of the 9th Lord Lovat, had not failed without male issue, they would have been

substituted before their uncle Inverallochy; but they are not taken notice of in the entail, although it calls a number of *remote* substitutes, *nominatim*, to the succession. And independent of the deduction from these facts, there is no mention in any manuscript, book, or document of any descendants of these four sons.*

In 1644, the disputes between the King and Parliament affected even the distant quarters of the Highlands, which were destined to become the field of the great Montrose's victories. Sir James Fraser of Brea, a staunch adherent of the covenanting interest, plunged the clan into the quarrel. The Castle of Inverness was garrisoned for them^u by two regiments, the town surrounded with a ditch, the elegant trees which adorned the castle, the Grey-Friars Church-yard, and chapel-yard, were cut down, and a strong gate put at the head of the Castle Street. The gentlemen in the country imitated the military of the town, and turned their houses into places of defence; at the same time, the inhabitants of the town were ordered to convene in their best weapons, for a muster and wappen-schaw,† to oppose the "Irish rebels;" eighty of the most "resolute and best framed muscateers" being dispatched from the borough to the heights of Stratherrick.^v

^u MSS. of Frasers
Adv. Lib. p. 346.

^v Memorabilia of
Inverness.

Montrose, who had led his troops from the county of Argyll, where they had carried terror and desolation into all parts, marched, in the month of January 1645, through Lorn, Glencoe and Lochaber, towards Lochness. Here he received tidings of the Earl of Seaforth, with a numerous army, consisting of the garrison of Inverness, the strength of the shires of Murray, Ross, Sutherland and Caithness, and

* Legally speaking, we have no evidence of James or William ever having existed. They are no where mentioned, except in the MS. histories, which extinguish as well as create them.

† The statute of William of Scotland ordered * "omnes alii qui habere poterunt, habeant arcum et sagittas extra forestam, et infra forestam arcum et pyle; et fiat visus armorum, quod dicitur, *Wappin-Schaw*."

* Stat. William,
c. 23. s. 5, 6.

^w Memoirs of the Marquis of Montrose, p. 110.

the clan of the Frasers being on his march against him.^w Learning at the same time, that Argyll was in his rear with a force of 3000 men, he thought it of greater importance to attack him, and thereby lessen the consequence of that chieftain ; when, if victorious, Seaforth's disorderly rabble would be easily dealt with. Accordingly he traversed the mountains of Lochaber, and falling on the enemy, gained the battle of Inverlochry, 2d February 1645.

^x Ibid. 132.

The Frasers still retained their affection for the covenanters' cause ; for, when Montrose had secured his retreat from the attack of Baillie, and afterwards following Ury, had compelled that commander to retire to Inverness, they joined him in considerable force.^x With them and his other reinforcements, Ury marched against the Marquis, and gave battle, on the 4th of May, the same year, at the village of Auldearn, where he was totally defeated. A Captain Drummond, on whom the blame of the defeat was laid, was shot after the battle on the high road to Tomnahurich.^y Montrose shortly afterwards acquired an important auxiliary in the Earl of Seaforth, whom disappointed vanity or disgust tempted to desert the covenanters' ranks. Whilst the northern parts of the kingdom were torn by these civil dissensions, Lord Lovat died on the 16th February 1646. On the death of his third son Alexander in 1670, the only one of his numerous family then in life, was Thomas of Beaufort.^z

^y MSS. of Frasers in Advo. Library. Shaw's Moray, p. 225.

^z Wardlaw MSS.

A barbarous act of injustice is handed down by tradition, as having occurred with Lord Lovat's sanction. Lady Lovat having brought north with her a considerable quantity of gold and jewels, the same were said to have been stolen by a girl of the name of Kennedy, one of her maids. The unfortunate wretch was sentenced to be drowned for her supposed crime, and on immersion, to elicit confession, she stretched forth her hands as if to make a disclosure, but ere more could be gained, death put an end to her sufferings. Some time afterwards, a smith found a pot of gold, and it being matter of belief that none in his rank of life could have come honestly by it, he likewise was put to the torture ; but his obstinacy baffled his tormentors, and he died in chains, in the vault of Beauuly, without any confession, leaving his

wealth to his family, for, not long afterwards, his six daughters were all well married.

We may conclude with a brief notice of Lord Lovat's eldest son.

Hugh, Master of Lovat, born 1624, was put in fee of the estate on the death of his brother Simon, to whom, as we have seen, he was served heir.^a

He married Anne Leslie,^b daughter of the Earl of Leven, at Holyroodhouse, 30th April 1642, by whom he had one son, Hugh. His lady married, 2dly, Sir Ralph Delaval of Seaton Delaval, Northumberland.^c

The Master spent the two months after his marriage in Edinburgh, and then set out for the north, attended by the Earls of Wemyss and Leven, the Lords Balgony, Ruthven, Sinclair, and others. The Frasers of Murray conducted the young couple to Inverness.^d Here they were entertained by Provost Forbes and the Magistrates, at the Cross, the trained bands lining the streets to keep off the mob. They were then conducted to the Green of Muirtown, whence 400 young gentlemen, in full armour, escorted them to Lovat. At Lovat, they were banqueted with all the magnificence of feudal times, to the great astonishment and delight of the gentlemen who had accompanied them from the south.

Hugh's^e match with Miss Leslie was much against his friends inclinations. Soon after the marriage, his father-in-law, having promised his interest in getting him into the army, he went south with his lady. On his arrival in Edinburgh, he had a quarrel, at a drinking bout, with a Swedish Major of the name of Hume, whom he worsted. His dissipated habits soon brought on a fever, which carried him off in May 1643,^f before his father. Notwithstanding his imprudent course of living, the physicians who attended him were not free from a suspicion of hastening his end. He was interred in the Chapel of Holyrood; all the Frasers of note having come to do honour to his obsequies, the chief of whom were Sir James Fraser of Brea, his uncle; Thomas Fraser of Eskadale; Hugh Fraser, younger of Foyers; James Fraser, younger of Culbockie; Hugh Fraser, younger of Belladrum; Alexander Fraser of Philorth; Lord Fraser of Muchall, and Hugh Fraser of Tyrie.

^a Inq. Ret. XVII. 126.

^b Laurus Leskeana, CXI.

^c Wardlaw MSS. Doug. Peer. Vol. II. 158. La Vie du Lord Lovat, p. 11.

^d MSS in Adv. Lib. 340.

^e Wardlaw MSS.

^f Special Service of his Son. Mémoires de la Vie du Lord Lovat, p. 11.

XV. HUGH, TENTH LORD,

born 2d March 1643, died 27th April 1672, was served heir to his father, the Master of Lovat, in the lands of Easter Kinmylies, alias Brigend, on 30th March 1647.^s He also exped a service as heir male of his father, in the lands and barony of Lovat, 18th May 1665,^h and a general service to his grand-father, 9th Lord, 19th February 1670.¹ He married, at Tarbat, in July 1659, when sixteen, Anne, second daughter of Sir John Mackenzie of Tarbat, Baronet, sister of the first Earl of Cromarty, and had issue,

1. Anne, born 12th March 1660-1, married to Patrick, second Lord Kinnaird ;

2. Isabel, ^k born 1662, married to Alexander M'Donell of Glogarry.

3. Margaret, ¹ born 1665-6, married to Colonel Andrew Monro ; and one son,

1. ^m Hugh, his successor, born 1666.

The Marquis of Huntly, to whom the siege of Inverness had been entrusted by Montrose, having been obliged to retire with disgrace, in defiance of his commander's entreaties,ⁿ the latter resolved to attempt it himself, though by no means backed by a sufficient force. He set fire to the skirts of the town, and detachments of his army pillaged all Lord Lovat's country, killing the country people, and burning their habitations. From the Green of Inverness to the Guisachan, in the top of Strathglass, it is narrated, on the authority of an eye-witness,^o that not a horse, cow, sheep or fowl, was left in that extended sweep of country. Meanwhile, by the treachery of Lewis Gordon, Huntly's son, General Middleton's army was suffered to pass the Spey ; and Montrose drew off his forces to a little distance from the town, just as his pursuers entered it. The trumpets^p of their advanced picquets sounding at Petty, a village about a league off, first disclosed the danger of his situation. Their superiority in cavalry, induced him to retreat across

^s Extracts of these services in Family Repositaries, and Inq. Ret. Lib.

XIX. fo. 48.

^h Ibid. Lib.

XXVIII. fo. 42.

¹ Doug. Peer. Vol II. 158. and Inq. Ret. Lib. XXX 70, 62.

^k Wardlaw MSS.

¹ Doug. Bar. 35.

^m Wardlaw MSS.

ⁿ Memoirs of Montrose, p. 250, 252.

^o MSS. of Frasers in Adv. Lib. 359.

^p Ibid.

the river Ness to the other side. The enemy attacked his rear, but being gallantly received, were forced to retire. The loss was inconsiderable, and nearly equal on both sides.^q Montrose retreated by Kinmylies, and from thence to a place about a mile westward of Auchnagairn, and next morning entering Ross-shire, he halted in the wood of Fairly, two miles above Beaully.^r He was followed by the enemy, in the hopes of being brought to an engagement in the low ground: but he, dreading their superiority in point of horse, and Seaforth's levies daily deserting, made the circuit of Loch-Ness, by Strathglass and Stratharrig, to the banks of the Spey. Middleton, after the skirmish, entered Inverness, to the great joy of the inhabitants, and having refreshed his troops, set out next morning in pursuit of the retreating army. He marched through the parish of Kirkhill, under the guidance of Sir James Fraser of Brea, who was Governor of the Castle of Inverness, and commanded there during the siege. The two armies continued in sight of each other for two days, having the Beaully between them. On the fourth day, Montrose broke up his camp, as has been related, and set it on fire. Sir James Fraser of Brea, who had the rank of Colonel, entertained Middleton at Lovat, and then conducted him across the ferry of Beaully to Channory, in Ross, which surrendered. A garrison was kept in the bishop's house for several years thereafter.

^q Montrose's Memoirs, p. 254.

^r MSS. in Adv. Lib. *ut supra*.

The members of Lord Lovat's family were greatly dispersed, during these troubles, and Sir James Fraser of Brea exerted an oppressive authority. He sold the barony of Kinmylies to Fraser of Kinerries, that of Kingilly to Fraser of Culbockie, the lands of Belladrum to Hugh Fraser, then tenant of the same,^s and the estate of Buntaite to Chisholm of Comer. In the year 1646 the Marquis of Montrose left Scotland, and the hopes of the royalists were extinguished. Sir James Fraser was appointed Governor of Inverness, and all the gentlemen of the Aird had their different apartments in the house of Lovat. Yet a remnant of Montrose's followers kept the garrison of Redcastle, in Ross, for the King. To reduce it, a troop of Strachan's horse were ordered out. Their leader, Captain M'Lean, approaching near enough to hold converse with

^s MS. Hist. of Frasers in Ad. Lib. 372. Wardlaw MSS.

^c MS. Hist. of Frasers.

the besieged, was shot upon the spot; which so irritated his soldiers, that they set fire to the castle, and reduced it to ashes.^c They then carried the captain's body to Kirkhill, where they buried him, determined, as they said, he should not lie with "the recreant M'Kenzie's." A stone was erected over his remains, in the church-yard, with this inscription, "Here lies one of David's worthies."

^u Ibid. 377.

^u King Charles landed in Scotland, in June 1650. An instantaneous rising of the loyalists took place. Captain Alexander Fraser, son of the last Lord Lovat, came north with a lieutenant-colonel's commission, to embody the Frasers. The general rendezvous was at *Tomnahurich*, where the clan mustered 800 men in full armour. In the end of April this body marched through Badenoch and Appin to Stirling, where they arrived at the King's camp on the 6th of May. Cromwell and his army lay at Glasgow, and the country round about. The King entered England, and fought the battle of Worcester, 3d September. Among the prisoners, on that fatal day, was the tutor of Lovat. An opportunity, some time after, presented itself for his escape to the north, where he married Sybilla M'Kenzie, daughter of the Lord Kintail, and widow of the Laird of M'Leod, by whom he got 300 merks Scots per annum, a prodigious fortune, it was thought!^v When the tidings of the defeat of Worcester were made known to the Earl of Seaforth, he sunk into a profound melancholy, which soon put an end to his life. He died in Holland, where he had lived in exile since the beginning of January 1649. Till the year 1653, when Glencairn assembled a body of men, the Highlands enjoyed repose. The divisions among the movers of that enterprise soon led to the disbanding of the army; and some time thereafter, General Monck received from the heads of the clans the sureties of their good behaviour. Thomas of Beaufort was one of those who engaged for the Frasers.

^v MSS. of M'Kenzie's.

^w MSS. of Frasers, *ut supra.* 383.

^x Letters from the North of Scotland, Vol. I. p. 222. Edit. 1822.

^w The foundation of the citadel of Inverness was laid in the year 1652-3, and was finished in five years.^x It was a regular pentagon, surrounded at full tide with water sufficient to float a small bark. The breast-work was three stories high, all of hewn stone, and lined with brick in-

side. The sallee port lay towards the town. The principal gate was to the north, where was a strong draw-bridge of oak, and a stately structure over it, with this motto, "*Togam tuentur arma.*" From this bridge the citadel was approached by a wide vault 70 feet long, with seats on each side. In the centre of the fort, stood a large square building three stories high. The lower storey contained the granary and magazine. In the highest, was a church, well finished, within a pavilion roof, surmounted by a steeple with a clock and four bells; at the south east, stood a long building, four stories high, called the English building, because built by English masons, and opposite to it a similar one, erected by Scottish architects. On the north east and north west were the ammunition houses, artificers lodgings, stables, brew-houses and a tavern. A conduit under ground, with iron gates at each end, extended from one side to the other, and carried off the filth of the citadel. The accommodations altogether would lodge one thousand men. England supplied the oak planks and beams; the fir was brought from Fraser of Struie, who received 30,000 merks as purchase money. Recourse had been had to the monasteries of Kinloss and Beaully, the Bishop's Castle of Chanonry, the Grey-Friars Church and St Mary's Chapel at Inverness, for the stonework, and in addition thereto, materials were taken from the Redcastle quarries. Such a variety of stores did the garrison bring with them, and so profuse were they, that a Scots pint of claret sold for a shilling, and cloth was bought as cheap as in England. The whole expence of the citadel was £80,000 Sterling. Another fort was erected at Inverlochy, and a bark built and carried to Lochend, to navigate the lake. In less than twelve years thereafter the fine citadel of Inverness, whose remains still inspire respect, was razed to the ground, by order of the Scots Parliament, on^y pretence of being a relict of usurpation, but, in reality, to please the neighbouring chieftains, then esteemed loyal. Captain Burt, author of letters from the north of Scotland, in 1730, makes frequent mention of it. He says, that he was informed by a very ancient laird, that he distinctly remembered Oliver Cromwell's colours floating over the ramparts, with the word

^y MSS. *ut supra*,
p. 389.

^w Vol. I. p. 224.
Edit. 1822.

^x Ibid. Vol. II.
p. 109.
A. D. 1661.

^y Parliament 1503,
c. 93, 95. c. 108,
128. Parliament
1509. c. 137. Par-
liament 1587. c.
46. 82. Wallace
on Feudal Tenures,
46. Robertson's
Index, Notes, XL.

^z Memorabilia of
Inverness.

^a MSS. of Frasers
in Adv. Lib. p. 389.

^b Shaw's Moray,
127.

Immanuel (God with us) upon them, in very large golden characters.^w An officer of the garrison having fallen in a duel in this fort, the Highlanders commemorated the circumstance, by erecting a cairn upon the spot where he was slain.^x

The dismemberment of Ross from the shire of Inverness was now finally accomplished. After a Sheriff had been ordered by Parliament, in 1503, to be appointed over that district, it was not established into a shire by itself till the year 1661. Before that period, Caithness, Sutherland, and Ross, were parts of, and subject to the sheriffdom of Inverness.^y Caithness was dissevered from the county of Inverness about the year 1617; and Sutherland was erected into a county, in 1633, or, at soonest, 1601.

An age of ignorance presents lamentable errors. We read in the records of this latter year, of nine members of council of the town of Inverness being ordered to meet the minister (the magistrates always being present, when needful), to examine the Session Register, for delations given in against witches, to take information of suspected persons, to meet in the clerk's chamber, and to make their adjournment.^z

^a On the 24th of May, 1662, the Magistrates of Inverness revived an ancient custom of an annual horse-race. A prodigious concourse of people attended. The race was run in the plain round the hill of Tomnahurich. The starting-post was set up to the west of the town end, at the separation of the roads to Kinmylies and Urquhart. Although the prizes were only a silver cup, valued at £7, and a saddle at £3, they were thought worthy of the contention of noblemen. Lord Lovat, the Lairds of Grant and Kilravock, and Captain Mann, from the garrison of Fort-William, rode the first race, which was gained by Lovat. One of the town's bailies carried off the prize the second day.

The bridge of Inverness, then built of wood, broke down on the 28th September, 1664, and though more than 100 persons, who stood upon it, fell into the river, no lives were lost.^b

In February, 1665, Lord Lovat paid a visit to the King at London. Sir Alexander Fraser of Philorth introduced him to his Majesty, as his

Chief.^c He returned home, in July following, after having passed some time with his relations, both in England and Scotland.

^c MSS. of Frasers
Ad. Lib. 395.

A party of the town's people of Inverness having met at Dunkeld, this year, with a body of the M'Donalds, a dispute and conflict arose, in which the M'Donalds were defeated, with the loss of several men. The clan Donald threatened retaliation on the burgh. The more pacific citizens entreated for peace; and the clansmen proposed the following singular articles as the basis of a treaty.^d

^d Memorabilia of
Inverness.

1. A covenant, or bond, to pass for entertaining offensive and defensive leagues, by which, if the town be invaded, the M'Donalds should come to assist, and, *e contra*, the town to send 100 men to assist them.

2. The town to become liable, presently, in 100,000 merks Scots to them.

3. The town to quit their superiority of Drakies, and to require no stent taxations.

4. The Council to swear upon oath what persons did draw the Mac-Donald's blood, to be delivered up to their mercy!

5. What arms, money, clothes, goods, cattle, &c. were lost, should be repaid to the M'Donalds, as they should depone upon the worth!

6. When any Inverness men shall meet Lord M'Donald's friends or followers, or any one of them, that the Inverness men shall immediately lay down their arms, in token of obedience.

7. The town to pay what sums the M'Donalds and their people shall have spent, from the time they became a body until they be disbanded!

The Lord M'Donald here mentioned was Glengarry, a peer, by the title of Lord M'Donell and Arras.

This affair with the clan Donald being submitted to the Privy Council, they decerned that the town should pay the clan £4800 (*Scots*), in name of damages, together with the fees of the surgeon who attended their wounded men.

Exactly 360 years after the commencement of the quarrel between the clan Cameron and the M'Intoshes, an adjustment was at this time effected by the mediation of the Earl of Breadalbane. The Camerons

had refused to hold lands by a piece of parchment, over which their ancestors had ruled for so many ages, whilst the M'Intoshes pled their right from a Lord of the Isles. Happily, the celebrated Sir Ewan Cameron could estimate the value of either party's pretensions, and, for the last time in Highland history, the hostile bands appeared armed with the bow.^e

^d Pennant I. 333.

To return to Lord Lovat; his son, Hugh, was born on the 28th September, 1666. From a large black spot on his upper lip he was familiarly called *Mac Shime Bal-du*, i. e. Black-spotted Simpson, or Lovat. Three chieftains were distinguished, at this time, by similar deformities. 1. *M'Keinich Glindu*, i. e. Black-kneed Mackenzie. 2. *Mac-an-Toshich Claon*, i. e. Squint-eyed M'Intosh. 3. *Shisalach Came*, Crooked-eyed Chisholm.

An event occurred at the Martinmas fair at Inverness, on the 18th August, 1668, productive of the most painful feelings to several families.^f A townsman, either accidentally or designedly, having dropt a cheese (called in the provincial dialect a *Cabach*), from the castle-hill, where the fair held, it rolled down the bank into the river. Being called upon for payment, and refusing, a skirmish ensued, to end which, the Magistrates called out the guard, and fired on the rioters. Matters became worse; for the clans Cameron and M'Donald, who were the chief sufferers from the fire of the soldiery, would have massacred the town's people, but for the timely interference of the gentlemen of the neighbourhood, who at last effected a parley.

^e MSS. of Frasers, *et supra*, 400.

Lord Lovat left the country early in the year 1670, and arrived at Middleburgh, in Zealand, on 7th March, the same year. His lady died at Beaulieu, in September following, after vainly seeking relief from the waters of Scarborough, in Yorkshire. His Lordship was made acquainted with his loss, on his return, in April 1671. He did not long survive his consort, dying on the 27th April, 1672, aged 29, and leaving his immense possessions to his only son.^g His biographer speaks of him as a man of a solid judgment and a kind heart, attached in his affections,

^f *Ibid.*, 410.

resolute in his purposes, and fortunate in his enterprises—religious, but without affectation or shew.

^b His funeral obsequies were conducted with great pomp. At eight o'clock of the morning of the 9th May, being the day appointed for the interment, the coffin, covered with a velvet mortcloth, was exposed in the court-yard, the pale above it being supported by four poles, the eight branches of the escutcheon fixed to as many poles driven into the ground, four at each end of the coffin. A large plume surmounted the whole. Two hundred men in arms formed an avenue from the gate to the high road. Four trumpeters, standing above the grand stair-case, sounded an alarm, on the approach of every new arrival. A sumptuous entertainment was given about mid-day. Between twelve and one the trumpets played the dead march. Then the mourners raised the coffin and the pale above it. Two trumpeters preceded, and followed the body. A horseman, in bright armour, holding a mourning spear, led the van, two mourners in hoods and gowns, guiding his horse. At the ferry, two war horses, covered with black trappings, and held by grooms attired in sables, had been placed in ambush, who starting up, here joined the procession. From the west end of the Moor to the kirk-stile, a mile in length, armed bands of men were drawn up, through whose lines the procession went slowly. The Earl of Murray alone sent 400 of his vassals; the Bishops of Murray, Ross and Caithness, with 80 of their clergy, were present, and a body of 800 horsemen. At the church stile, the Earls of Murray and Seaforth, the Lairds of Balnagown, Foulis, Beaufort and Strichen, carried the coffin into the church, which was hung with black. After singing and prayer, the funeral sermon was preached, from 2d Samuel, iii. 38. At four o'clock the whole ceremonies were over, and the trumpets sounded the retreat. The different clans filed off with banners displayed and pipes playing, the Frasers forming a line, and saluting each as they passed. They then marched to the ferry, and were dismissed.

^b MSS. *ut supra*,
412.

The account from which this is taken, does not mention explicitly where Lord Lovat died, or where he was interred. I am inclined to

ⁱ MSS. *ut supra*,
‡12.

think, however, from the fact of his having demolished the house of Lovat,ⁱ for the sake of the oak rafters for his new dwelling at Beauly, that he died at the latter place, and that the procession crossed the ferry to the church of Kirkhill, which, some time before that period, had become the family burial-place.

^k Lovat Case, 1730.

^k A transmission of the estate was made by Hugh, Lord Lovat, in favour of Anne, Lady Kinnaird, his eldest daughter, and his other daughters successively, whereon Anne was infeft base in the year 1666, but the estate was, by the same deed, declared redeemable by the *heirs-male*, on payment of certain provisions to the daughters; and, accordingly, when an heir was afterwards born, the estate was redeemed, and the ladies received payment of their provisions, whereby the transmission to them became extinct.

XVI.

HUGH, ELEVENTH LORD,

A. D. 1688.

only son of the preceding one, appears never to have served to his father, but merely to have possessed the estate in right of his apparency. Sixteen years after his succeeding to the title, the important revolution was effected, which placed the Prince of Orange upon the throne. The Duke of Gordon and the Viscount Dundee were the only partisans of note who retained their fidelity to the banished monarch. Their hopes lay entirely in the attachment of the Highland clans, by whom Dundee was much beloved. A small party of these were received into the Castle of Edinburgh, of which the Duke held the command. On the night of the 11th of November, 1688, Dundee set out for the mountains, attended by a force of 30 cavalry.¹ With these he traversed Perthshire, Angus, Aberdeen, Moray and Nairn; and on the 1st of May 1689, effected a junction with M'Donald of Keppoch, who lay before Inverness with 900 men. King William had been proclaimed by the Magistrates, but Keppoch compelled them to take an oath of fidelity to their old master, exacting at the same time, 2000 dollars as the penalty of their misdeeds. After various manœuvres, the

¹ Dundee's
Memoirs, 25.

forces of James were opposed to their enemies in the pass of Killcrankie, and the Highland broad-sword proved triumphant. The gallant Dundee fell. Major-General Cannin, on whom the command devolved, marched to Dunkeld after the battle, where he was joined by the Stewarts and M'Gregors, and shortly after by the Frasers, Farquharsons and other clans. No action of importance occurred during the short period the Highlanders kept together, subsequent to the death of Dundee; they were finally allowed to return unmolested to their homes, by a treaty which secured to their leading officers a safe conveyance into France. But the tragedy of Glenco is a proof that the Government were insincere in their professions, and bitterly avenged on the clans, for their devoted, though misguided loyalty.

The marshalling of his followers under Dundee is the only public scene Lord Lovat seems to have engaged in. He died at Perth, 4th September 1696,^m leaving, by Lady Amelia Murray, only daughter of John, first Marquis of Athol, four daughters :

^m Wardlaw MSS.
Doug. Peer. Vol.
II. 158. Lovat's
Memoirs, p. 23.

1. Amelia, born, 1686, married, in 1702, to Alexander M'Kenzie of Prestonhall, son of Roderick M'Kenzie of Prestonhall, a Lord of Session, Lord Justice Clerk, and brother to George, first Earl of Cromarty, of whom the following lines, expressive of his fickle, vacillating disposition, have been handed to posterity :

“ Some do compare him to an eel,
Should mortal man be made of steel.” ⁿ

ⁿ Carnwath's
Memoirs, 66.

The character ascribed by the same writer to Prestonhall himself is little better.

2. Anne, born 1689, married, first, in September 1703, to Norman M'Leod of M'Leod; *2dly*, Peter Fotheringham of Powie; *3dly*, to John, second Earl of Cromarty, by all of whom she had issue.

3. Catharine, married to Sir William Murray of Auchtertyre, Baronet, died, leaving issue, 15th March 1771.

4. Margaret, who died unmarried.

Two sons—Hugh, born 1690, and John, born 1695, predeceased their father,^o without issue.

^c Wardlaw MSS.

Hugh, Lord Lovat, had a charter of the lands and barony of Lovat, 3d February 1694.^p

^p Reg. Mag. Sig.
Lib. LXXIII.

No. 22.

^q Lovat Case, 1730.

^q By contract of marriage, dated 18th May 1685, between Hugh, Lord Fraser of Lovat, with consent of his curators on the one part, and Lady Emilia Murray, daughter of John, Marquis of Athol, on the other part, his Lordship resigned the lordship and barony of Lovat and others, in favour of the issue male of the marriage, or of any other marriage, in default of whom to his heirs whomsoever of the said marriage, with a preference to the eldest daughter without division, marrying a gentleman of the name of Fraser. A charter of resignation and confirmation followed thereon, dated 23d February 1694. This destination was afterwards altered by his Lordship, in a deed granted by him to Thomas Fraser of Beaufort, his grand-uncle,^r upon the narrative, that he being of an easy temper, had been imposed upon to grant a bond of tailzie to his daughters, failing heirs-male of his body, contrary to the clauses and provisions in the old original rights and infeftments of the estate; and that, being unacquainted with the affairs of his family, he had been induced, failing heirs of his own body, to dispone his estates to his daughters by contract of marriage, and other deeds done since that time; and being desirous of preserving the succession in the male line, he therefore now disponed his estate, failing heirs-male of his own body, to his grand-uncle, Thomas Fraser of Beaufort and his heirs-male. This disposition is dated 26th March 1696.

^r Ibid.

CHAPTER III.

XVII. THOMAS FRASER OF BEAUFORT,

born 1631, now became the representative of the family.

^s By the death of Lord Lovat without issue male, the title and estates reverted to him as his grand-uncle, and as only surviving son of Hugh, ninth Lord Lovat. He had married Sybilla, daughter of M'Leod of M'Leod, by whom he had fourteen children :^t

1. Alexander ;
2. Simon ;
3. Hugh ;
4. John ;
5. Thomas ;
6. James ;
7. Isabel ;
8. Sybilla ; and six others who died in infancy.

^s Lovat Case, 1730. Lovat's Memoirs, p. 6. *Memoires de la Vie du Lord Lovat*, p. 11.

^t Doug. Baron. 379. Peer. Vol. II. p. 160. Wardlaw MSS.

^u In consequence of his father's accession to the honours of his race, Simon, the eldest surviving son by the decease of his brother Alexander, who died in the 25th year of his age, ^v took upon him the style of Master of Lovat. ^w He was, at the time of his father's accession to the title, a Captain in the regiment of the Earl of Tullibardine. ^x Thomas's claim being considered incontestible, not a man in the north dreamt that the Marquis of Athol would throw difficulties in his path. But his apparent security was soon seen to be unfounded. The Earl of Tullibardine, then ^y Se-

^u Lovat's Memoirs, p. 29.

^v Nisbet's Herald. App. 116.

^w Lovat's Memoirs, p. 30.

^x Ibid. p. 7.

^y Anno 1696.

cretary of State and Viceroy of Scotland for King William, conceived the design of having the eldest daughter of Hugh, Lord Lovat, declared heiress to the estate of her father, and of bestowing her upon one of his own sons in marriage, persuaded that his sister, the Dowager Lady Lovat, would be pleased with the idea of thus aggrandizing her paternal house. Simon communicated this design to his father, having previously taken the opinion of able counsel, and besought him to maintain his rights, which were incontrovertible. Tullibardine subsequently abandoned his plan, and it was resolved by his father, the Earl of Athol, to have the young lady united with the son of the Lord Saltoun,² as being a more popular method of carrying his scheme for the ruin of Beaufort, whom he detested, into execution. With this view, Lord Saltoun was entreated to come north and take the management of the clan, and, by the union of the two families, thereby render it more flourishing and powerful than ever. Simon,³ however, was anxious to obtain the young lady himself, and, by his union with her, do away with all differences between the heir of line and the heir-male; and he had succeeded so far in gaining the affections of the young baroness, as to induce her to clope with an emissary of his own, Fraser of Tenecheil.^b But he, either dreading the resentment of her friends, or acted upon by motives of venality or remorse, betrayed his trust, and reconducted her to her mother, to whom he disclosed the intrigue. It was no longer thought safe for the lady to remain at Castle Downie, the chief seat of the clan Fraser. She was therefore conducted, under a proper escort, to Dunkeld, a house of her uncle's, the Marquis of Athol.^c Here she was prevailed upon, in furtherance of his views, to accept the Master of Saltoun as a husband. The intended bridegroom set out for Dunkeld, to celebrate the nuptials, accompanied by Lord Mungo Murray. As Captain Fraser saw in this match the ruin of his hopes, he resolved at all hazards to prevent her being gained by Lord Saltoun's son. With this view, he passed the bridge of Invernessa very early in the morning, attended by six gentlemen and two servants on horseback, completely armed. They took post in the wood of Bun-

² Lovat's Memoirs, and Arnot's Criminal Trials, 81.

³ Arnot, 83.

^b Ibid. and Doug. Peer. Vol. II. p. 169. *Memoires de la Vie du Lord Lovat*, 14, 15, 16. *Countess of Suffolk's Letters*, Vol. I. p. 189.

^c Arnot, 81.

⁵⁴ Lovat's Memoirs, October, 1697.

chrew, and presently saw Lord Saltoun and Lord Mungo Murray returning from Castle Downie. The Captain gave orders to seize Lord Saltoun, dead or alive.^e Pistols were instantly levelled at him, whilst Lord Mungo was taken prisoner by Simon himself. Having been deprived of their horses, disarmed and mounted on ponies, these nobles were then conducted to Fanellan, a house of the Lord Lovat's, where they were guarded by some hundred clansmen, and confined in separate apartments for about a week.^f

^e Arnot's Trials, 87.

^f Life and Adventures of Lord Lovat, 28 to 33.

It came out in evidence upon the trial of Simon and his associates, upon which Mr Arnot^g has made the observation—that it is one of the most singular prosecutions in our criminal record, whether we respect the stretch of law that was made to convict the absentee, or the savageness of his conduct, or the absolute dominion he possessed over his followers, and directed to purposes the most shocking to human nature—that the Captain took the oaths of fidelity of such of the gentlemen of his name as he suspected, and that they and the men were sworn upon *their dirks* to be faithful, and never to desert him. The *Fierly cross* and the *Coronach* were sent through the country; and on a report that Lord James Murray and a party of *red coats* were coming against him, Captain Fraser again repeated the fiery signal.

^g P. 79.

Lord Saltoun and Lord Mungo Murray were next carried to Castle Downie,^h and the force commanded by Captain Fraser consisted of about 500 men, marching with two pair of colours. Sentinels were placed on all the rooms, particularly Lady Lovat's, both within and without. This was a week after the seizure of the above gentlemen, and the first time that the Captain, seeing himself disappointed of the heiress, seems to have entertained the wild idea of compelling a marriage with the Dowager, who, in right of her jointure, was in possession of a considerable part of the estate of Lovat.ⁱ Her three waiting maids were carried by force out of the room, and about two in the morning, armed men brought one of them back to her mistress's chamber, whom she found sitting on the floor, her hair dishevelled, her head reclining on

^h Arnot, 88.

ⁱ Ibid. and Letters of Henrietta Countess of Suffolk, Vol. I. p. 189.

the bed, one man untying her shoes, and the Captain himself holding burned feathers and acquavitæ to her nose, she being in a swoon. The girl was ordered to take off her ladyship's clothes, but she resisting, Fraser of Kinmonavie held her up in his arms, and cut off her stays with his dirk! Robert Munro, minister of Abertarffe, pronounced the marriage ceremony, and the monsters who perpetrated this outrage, put the waiting woman out of the room. The marriage was then consummated by force.^k Her ladyship's cries were heard distinctly all over the court-yard, although the bagpipes were playing all the time in the room next to her's.*

Perhaps not the least remarkable incident in this remarkable case, was the fact, elicited on proof, that about Martinmas after the commission of these crimes, the herald left his charge against the Captain, &c. in a *cloven stick at the river side, opposite to the isle of Eagles!* The indictment set forth, in addition to other acts of barbarity, that gallowses were erected before the windows at Fanellan, to terrify Lord Saltoun and his friend, and that they were afterwards carried by force to islands and mountains.

These unparalleled proceedings excited universal horror and alarm.^l On the 5th November 1697, Secretary Ogilvie writes to Mr Carstares:^m "The Frasers do commit great abuses, and Captain Fraser has now arrived to that pitch of insolence, as to detain my Lady Lovat, and to pretend he is married to her; in the meantime, she will neither eat nor drink, till she is at liberty. Now all *orders* that are *proper*, are out against them. This trouble, and some others that have occurred, do keep our regiments as yet from being disbanded."

Government proceeded with active measures for the punishment of the guilty. They were directed by Lord Tullibardine, who, concealing private pique against Simon, and interested views upon the Lovat

* Life and Adventures of Lord Lovat, 39.

^l Ibid.

^m Carstares' State Papers, 361.

* P. 62.

* Such was the usage of a woman, whom Lovat in his own "Memoirs,"* calls "a widow old enough to be his mother, dwarfish in her person, and deformed in her shape."

estate,ⁿ under the cloak of public zeal, got orders for the march of the Scottish troops against the clan Fraser, and the exertions of the Privy Council to the utmost, for their destruction. Letters of fire and sword were raised,^o and a printed sentence issued against Thomas, Lord Lovat, Simon his son, and all the Frasers, men, women and children their adherents.^p

ⁿ Lovat's Memoirs, 65.

^o Carnwath's Memoirs, p. 76.

^p Lovat's Memoirs, 70.

The Duke of Argyll, the great friend and patron of the distressed family, as he was the determined foe of the house of Athol,^q exerted himself to procure a pardon for Captain Fraser,^r urging the propriety of giving an indemnity for the convoking his people in arms, as he was ready to stand his trial, and refer the outrage on Lady Lovat to her own oath—and stating among other things, his conviction, that if Tullibardine was allowed to go on, the whole Highlands would rise in arms, and much bloodshed be the consequence.

^q Carnwath's Memoirs, 77.

^r Carstares' State Papers, 433, 449.

The following letter ^s from Thomas Fraser of Beaufort to the Duke of Argyll, paints in forcible terms the melancholy situation of his friends; yet it is marked by the same vein of plausible duplicity, so prominently characteristic of his son.

^s Ibid. 434, 435-6.

THOMAS, LORD LOVAT *to the* DUKE OF ARGYLL.

“ MY LORD,

(*No date.*)

“ The entire friendship which the family of Lovat had with, and dependance upon that of Argyll, grounded upon an ancient propinquity of blood, and zealously maintained by both, through a tract and series of many ages, has emboldened me, with several of my friends, to address unto your Lordship by these, giving account of our circumstances, and craving your Lordship's advice and assistance, in this present juncture. We have gained a considerable advantage, by my eldest son's being married to the Dowager of Lovat; and if it please God they live some years together, our circumstances will be very good. Our enemies are so galled at it, that there is nothing malice or cruelty can invent but they design and practise against us; so that we are forced to betake us to the

hills, and keep spies at all arts; by which, among many other difficulties, this is one of the greatest, that my daughter-in-law, being a tender creature, fatigue and fear of bloodshed may put an end to her, which would make our condition worse than ever. They'll have us impeached for a convocation, and making prisoners of the Lord Saltoun, Lord Mungo Murray, with half a dozen other gentlemen, for which we were charged by the Sheriff, compeared before him, were fined, obtained a discharge of our fines, and secured the peace. Also, they'll have my son and his complices guilty of a rape, though his wife was married to him by a minister, and they have lived always since as man and wife. My Lord, if all our enemies had descended to the blackest cell in hell, and there had studied the most wicked and cruel revenges their malice or the place could invent against us, it needed not surprise any, considering that their design of appropriating the estate, and following of Lovat to themselves, is made liable to more difficulties by that match. We have many advertisements, that Athol is coming here in person with all the armed men he is able to make, to reduce us to duty, and that without any order from the King or his Council. If he come, so we are resolved to defend ourselves; the laws of God and nature, and the laws of all nations, not only allowing, but obliging all men, *vim vi repellere*. And I should wish from my heart, if it were consistent with divine and human laws, that the estates of Athol and Lovat were laid as a prize, depending upon the result of a fair day betwixt him and me. But these times being gone, and the King and his laws coming into their place, (a far better way of preserving the body politick!) we expect that your Lordship will employ all your interest with his Majesty to obtain us and all our complices a remission and discharge of all crimes, riots, delicts, and all diligences raised, or to be raised upon them against us, with an order to set the pretended heiress in a neutral person's custody, until the rights and evidents of the estates be produced, and the pretence of both parties debated before the Session. If this be not immediately done, the pretended heiress will be married to the Earl

of Tullibardine's son, which will certainly occasion much disturbance and bloodshed in this end of the world (for we will not be commanded and oppressed by any stranger,) by which the King will lose subjects that might serve him for better use, and your Lordship will lose good friends, whose place our enemies will never supply. It's our misfortune that the King did not reside within his dominions, and more, that our enemies had his ear. But we are confident, that his Majesty, being fully informed of the affair, such a wise prince will rather prevent the miseries and calamities of his subjects than punish the instruments that would occasion them; especially, your Lordship not only giving a true and candid account of the case, but also obviating all calumnious representations which, beyond all peradventure, will be obtruded. If your Lordship do not own and defend us, we are ruined; and really, though we have deep resentments of the friendship and kindness shewed us, and will have perpetually of that, and what shall be done us hereafter, yet that we use not many profuse apologies. For this trouble we hope your Lordship will excuse us; for if we be razed and extinguished, as the design is, who will be more blameable than the Earl of Argyll for letting his old relations, faithful friends and dependants, and sword vassals perish, while the reaching out of his hand might (under God) deliver them? Let me be free to tell you, that your Lordship is obliged, by the bonds of nature, of friendship, of superiority, of fealty, in conscience and in honour, to own us as a part of yourself. My weakness, by age, anxiety and fatigue, will, I fear, deprive me of the honour to kiss your Lordship's hand; but when my son has the freedom to go where he pleases, there be several material points which he will communicate to your Lordship, by which you will be convinced of a fair method for our standing, and, particularly, of a way by which our old friendship may be fortified and perpetuated, and we become more your Lordship's than ever, if more can be. Thus resting and reposing ourselves in a secure confidence and hope that God will bless all our lawful and honest endeavours, and preserve and prosper all those who will concern them-

selves for us, particularly your Lordship, we do, with all sincerity, respect and becoming deference, continue and remain ever,

“ MY LORD,

“ Your Lordship’s most affectionate, faithful, and

“ humble friends, vassals and servants,

“ LOVAT,

“ THOMAS FRAZER, of *Struy*,

“ WILL. FRAZER, of *Kilbockie*,

“ WILL. FRAZER, of *Foyer*,

“ W. FRAZER, of *Erchiett*,

“ ALEX. FRAZER, of *Culduthell*,

“ JO. FRAZER, of *Little Girth*,

“ THO. FRAZER, of *Gortuleg*.

Agreeable to their determination, the clan did repel force by force, and several skirmishes took place between them and the troops.^a All solicitations in their behalf proving ineffectual, Simon was tried and outlawed, *in absence*, with 19 other Frasers, 5th September, 1698,^b for high treason, in forming unlawful associations, occupying houses, ravishing and imprisoning people of rank, and continuing in arms, when charged by a herald to lay them down.^c

^d The sentence adjudged them to be executed as traitors; their name, fame, memory and honours to be extinct, ‘and their arms to be riven furth and deleted out of the books of arms, so that their posterity may never have place, nor be able, hereafter, to bruick or enjoy any honours, offices, titles, or dignities; and decreed their lands and possessions to be forfeaulted.

^e Simon was again prosecuted for a rape, by Lady Lovat herself, 17th February, 1701, and outlawed for not appearing to stand trial.

A. D. 1698. Whilst the clan opposed the different troops sent against them, Thomas Fraser died, in consequence of a violent march to avoid the enemy, who were said to be setting out for the isles, with the view of surprising him at his residence.^f Notwithstanding his son’s assertion, that he assumed

^a Carnwath’s Memoirs, 76.

^b Arnot’s Trials, 85. and MS. Records in the Writers to the Signet Library, Vol. from 3d July 1693 to 19th Dec. 1709, p. 135 to 142.

^c Doug. Peer. Vol. II. p. 160.

^d Carstairs’ State Papers, 437. MS. Records of Justice, *ut supra*.

^e Ibid.

^f Lovat’s Memoirs, p. 81.

the family honours, it is certain, he never made up titles ; and the storms attendant on his short career, prevented a due recognition of his dignity.^g

^g Doug. Peer. Vol. II. p. 160.

ALEXANDER, eldest son of Thomas of Beaufort, had he been alive, would now have become the representative of the family. He predeceased his father, some time before the year 1692.^h He seems to have been a young man of a daring spirit. When Viscount Dundee raised the standard for King James, in 1689, he was one of the first to join him.ⁱ A dispute having arisen, at a funeral at Beauly, near Inverness, he killed a man, and, dreading the effects of his passion, fled to Wales, where he died, without male issue.^k * That he left none is further corroborated by the decision of the Court of Session, in July, 1730, adjudging the honours to his younger brother, Simon, and also by the entail of General Fraser, 1774, where, if he had had issue, they would, in all probability, have been noticed. Lord Lovat speaks but of his elder brother, Alexander, and his younger—John. This may be attributed to the early deaths of the remainder. John was a brigadier in the Dutch service. Lovat calls him, in the course of his Memoirs, by his French appellation of *Le Chevalier Fraser*.^l He died, in 1716, un-

^h Lovat's Memoirs, 221.

ⁱ Ibid.

^k Life and Adventures of Lord Lovat, 20.

^l P. 229, 325, 352.

* This incident is given on the testimony of Simon Fraser, natural son of Simon, Lord Lovat, and nephew to Alexander, who was examined, judicially, before the Sheriff-substitute of Inverness, upon the 15th of October, 1823, on the family pedigree. The parish registers of Kiltarlity, Kirkhill and Kilmorack, were at the same time examined, with the view of tracing the other children of Thomas of Beaufort, but the communications of the various clergymen led to the knowledge, that no memorials of them exist. The remote branches called to the succession in General Fraser's entail prove, to a certainty, that these children died unmarried. The author has had frequent cause to lament, in the course of this investigation, the deplorable state of our parish registers. From the want of a regular insertion of births and deaths,—from the tearing out of entire pages, and the universal neglect and contempt shewn to these records,—they, which should form the most authentic repositories of family alliances, can, at present, scarcely merit a perusal. The bare mention of such a fact calls aloud for a remedy.

^m Doug. Peer. Vol. II. 160. Nisbet, App. 116.

ⁿ Printed Trial, p. 182.

^c Ibid. Howell's State Trials, Vol. XVIII. p. 715.

unmarried.^m In the printed Trial of Lord Simon, that person says, speaking of his exertions to repress the rebellion, "In this expedition (1716), I lost my *only* brother, a brave *young* fellow." A letter by him to the Duke of Cumberland, dated 12th June, 1746, contains the same statement,^c corroborating Douglas, and proving that Alexander must have predeceased.

XVIII.

SIMON, TWELFTH LORD,

To give more than a mere sketch of the life of this extraordinary man, would be to swell this work to a greater length than was ever anticipated. The narrative of the diversified scenes in which he figured, will be solely one of facts, as they are to be gathered from the works of the period: To palliate his offences, or to eulogise his talents, would be ridiculous. Time has removed the political feelings which at one time would have rendered a dispassionate enquiry impossible, and we can now fully estimate and appreciate the motives of the leading actors in those civil dissensions, which disturbed the repose of this kingdom in the last century. Lord Lovat will be found to have been not the least important of these personages.

Simon, Lord Fraser of Lovat, was born at Beaufort, near Inverness, according to some authorities in 1668,^p and to others in ^q 1670. He appears himself to fix upon the year 1676.^r After the usual routine of education, he was sent to the University of Aberdeen, where he highly distinguished himself, and took the degree of Master of Arts.^s In 1695, he was induced to desert the study of the civil law, on which he was then entering, for a company in the regiment of Lord Tullibardine, on that nobleman's assurances, that though raised for King William,* it

^p *Memoires de sa Vie*, p. 12.

^q Wardlaw MSS.

^r *Memoirs*, 221.

^s *Memoires de sa Vie*, 12, and his own *Memoirs*, 11, 15.

* The accoutrements of the Highland soldiery in the reign of William III. were singular. Their grenadiers, when recruiting, wore the old red bonnet, and carried bows and

was destined to support his former master, in an invasion he had promised to make in the ensuing summer. His attachment to the exiled family had been shewn before this period. At the early age of thirteen, he was imprisoned for his exertions, on his elder brother repairing to Viscount Dundee.^t At sixteen, after his elder brother's death, he joined the insurrection in favour of King James, led by General Buchan; and in 1696, whilst in Lord Murray's regiment, he entered into a plan of surprising the Castle of Edinburgh, and proclaiming the absent monarch, which had succeeded, but for the decisive defeat at La Hogue. This last treachery having escaped detection, he, for a while, performed the routine of his military duty, till the death of Hugh, Lord Lovat, called into action the long stifled enmity of the Athol family. By that event, the title and estates of Lovat had indisputably reverted to Thomas Fraser of Beaufort, Simon's father. Lord Tullibardine, wishing to secure these to the eldest daughter of the deceased, made a proposal that the son should renounce his claims, in consideration of advancement in the army. The overture was rejected with contempt, and from that moment Tullibardine became his determined foe.^u Simon, to traverse the designs of his enemies, attempted to win the affections of the daughter of the old Lord; but that plan having failed through the treachery of his confidant Tenecheil, he resolved to prevent at all hazards her marriage with Lord Saltoun's son; and accordingly, in the course of the events we have narrated, obtained the mastery of that noble's person. Lord Saltoun and Lord Mungo Murray were set at liberty, after a temporary imprisonment, (during which Simon "threatened to hang them for interfering" with his inheritance,^v) on Lord Saltoun's engaging that

^t His own Memoirs, 221.

^u Life and Adventures of Lord Lovat, p. 23. *Memoires de sa Vie*, 13, and his own, 30, 31, *et seq.*

^v Lovat's own Memoirs, 71.

arrows.* In the memoirs of Serjeant Donald Macleod,[†] who attained the extraordinary age of 103, the writer states that he enlisted at Perth, in the reign of William, in the regiment of the Royal Scots. The recruiting party wore steel caps, and were armed with bows and arrows, and swords and targets. Even clergymen carried their bows and swords to the pulpit.

* Meyrick's Ancient Armour, III. 123.

[†] Memoirs, London, 1791, page 21.

he would, on reaching Inverness, send a formal obligation for £8000, never more to concern himself with the affairs of the Lovat estate.^w

^w *Life and Adventures of Lord Lovat*, 33, 34. *Memoires de sa Vie*, 20.

^x *Memoirs*, p. 61.

^y *Carstares' Papers*, 434. *Arnot*, 85. *Memoirs*, 61.

^x “From this natural and temperate procedure,” says his Lordship, “unaccompanied by violence to the Dowager, Lord Athol and his son created that chimerical monster of a rape and violation.” We have merely to contrast his father’s letter to Argyll,^y mentioning the marriage and his own trial, with the assertion^z that “the Master of Lovat remained at a distance from the Dowager,” to form a due estimate of the credit to be attached to his Lordship’s testimony.

Tullibardine’s representations of the injury done to the Dowager Lady Lovat, his sister, procured an order from King William for the march of troops against Simon and the clan Fraser. The Privy Council were under the complete controul of that nobleman, and the instructions they issued were barbarous in the extreme, if Lovat’s account can be depended on.^a They commanded the troops to over-run the country, to take, dead or alive, to kill, burn, ravage and destroy the whole clan without exception, granting at the same time a general amnesty, in case of their burning any person not bearing the name of Fraser! Humanity bids us hope these orders have been misrepresented. Some troops^b were certainly ordered out; but the charge of excessive cruelty rests with Simon himself. Their advance drove him for safety to the isle of Aigas. His wife accompanied him, and there the marriage ceremony was again gone through, to calm her apprehensions;^c but the dangers of their situation making a separation advisable, a reluctant consent was extracted from her, that she would revisit her friends. They brought her to Dunkeld, and proceedings were immediately instituted against the Captain in the High Court of Justiciary.^d

^o *Carnwath’s Memoirs*, 76. *Memoirs de la Vie du Lord Lovat*, p. 22. *Culloden Papers*, 24.

^e *Life and Adventures*, p. 41, 42.

^f *McPherson’s State Papers*, Vol. I. p. 639. *Life and Adventures of Lord Lovat*, 47.

^g *Memoires de sa Vie*, 23.

A. D. 1697.

From this time, the Captain led a wandering life in the woods and mountains, accompanied by a few faithful attendants, subsisting^e on pillage, and the occasional contributions of the attached mountaineers.

Several regiments of cavalry and infantry now arrived in Inverness, and a body of Highlanders, led by the three younger sons of

the Marquis of Athol, also marched against the Frasers. The regular troops appear to have done little else than burn and pillage a few houses, and the Highland army, commanded by the Lords Murray, were surprised^b in the night and put to flight. Parties of troops occasionally harassed the clan, from the garrisons of Inverness and Inverlochy; and in the following year, Lovat again claims a complete victory in Stratherrick, over the tributaries of Lord Athol.ⁱ He says, he at the same time extracted an oath upon a naked sword from his enemies, by which they renounced their claims in our Saviour, and all hopes of Heaven, if they ever again returned into his territories; and in conformity to an example in Roman history, he made them march between the ranks of his men.

^b Lovat's Memoirs, 75, 76.

A. D. 1698.

ⁱ Ibid. 79 to 95, 96.

Tired at length with this miserable existence, Simon made endeavours to procure a pardon for past offences. With this view, he addressed himself to the Duke of Argyll, who possessed a large share of King William's confidence, and was his own relation and patron.^k By his directions he set out for London,^l under the assurance of experiencing the royal clemency.

A. D. 1699.

^k Culloden Papers, 28.

^l His own Memoirs, 100.

Through the influence of Mr Carstares, chaplain to King William, Captain Fraser's pardon was granted for having excited a civil war,^m but his Majesty would not give a remission for the rape, for fear of offending the family of Athol. Two of his accomplices were reprieved in July.ⁿ Eager to manifest his own innocence, the Captain determined on standing trial. With this view, he ordered a citation to be served on Lord Athol and his family, by way of recrimination.^o He appeared in Edinburgh with a retinue of 100 followers, as witnesses; but on the very day appointed for supporting his charge, his patron, the Duke of Argyll, was informed by Lord Abruchel, one of the Lords of Justiciary, that the other Judges had been corrupted, and certain death would be the result if he appeared. On this intelligence, our hero fled to England, and next day sentence of defaulture was issued against him.^p

^m Life and Adventures of Lord Lovat, 52. Memoires de sa Vie, 25.

A. D. 1699.

ⁿ Carstare's State Papers, p. 462.

^o Memoirs of Lord Lovat, 106, 107, *et seq.*

Seeing his enemies too powerful to hope for a reversal of his outlawry,

^p *Memoirs de sa Vie*, 25, 26.

Lovat's *Memoirs*, p. 119.

^q *Somerville's Hist. of Queen Anne*, p. 175.

^r *Memoirs*, 121. *Memoires de sa Vie*, 27.

^s *Carnwath's Memoirs*, 76. *et seq.* *Life and Adventures of Lord Lovat*, 59, 60. His own *Memoirs*, 132.

^t *Memoirs*, 122-5-6, 133, 141.

^u *M'Pherson's State Papers*, Vol. I. p. 620, 630-1.

^v *Lovat's Memoirs*, 145, 148.

^w *Ibid.* 151, and *M'Pherson*, I. 643.

^x *Memoirs de sa Vie*, 30.

^y *M'Pherson's Papers*, Vol. I. p. 640, and *Memorial of Duke of Athol to Queen Anne*, 1704.

^z *Lovat's Memoirs*, 152.

^a *His Memoirs*, 119. *M'Pherson's State Papers*, I. p. 629.

^b *Ibid.* 670. *Carnwath's Memoirs*, 74, 77, &c. *Laing's Hist. of Scotland*, Vol. II. p. 278. *Lockhart Papers*, I. p. 79.

he retired, in the year 1702, into France. ^p His avowed purpose was to organize a movement in favour of King James. ^q Having received a general commission from the heads of the clans, of their attachment to the exiled family, he set off to St Germain. The most flattering reception awaited him. His address secured the Nuncio of the Pope, and M. de Torcy, minister of the French King; ^r and he was looked upon as a man of great influence, both by the Courts of St Germain and Versailles. ^s Louis XIV. even honoured him with a private audience.

The Court of St Germain was, at this time, divided into two parties. The Duke of Perth led the one, Lord Middleton the other. This experienced courtier suspected the sincerity of Lovat, and acted accordingly. Insinuations were thrown out of his treachery; the confidence of the Queen and young Prince alienated from him, ^t and his scheme represented as visionary. To ascertain the true state of matters in Scotland, Louis XIV., previous to sending troops there, resolved on dispatching an envoy along with Lovat. ^u The better to amuse his Lordship, he was gratified with full powers by the young monarch, to renew the commissions granted by the late King to the Scots, made brigadier-general in the service of France, and ordered to take arms, should a fit opportunity present itself. ^v This order of the French Court, he says, was positively countermanded by the Queen. ^w Furnished with 6000 francs, he set out for Britain, ^x attended by the envoy, Captain John Murray, and two other gentlemen, and arrived on the borders of Scotland in the summer of 1703. ^y

But the Court of St Germain, ruled by Lord Middleton, had their eyes upon him, and employed a secret agent to watch his motions. ^z

^a For the full understanding of the game now playing, it may briefly be mentioned, that the Duke of Queensberry and the courtiers, determined (as it has been said) on the ruin of the cavaliers, or friends of the Stewarts, set on foot the report of a conspiracy having been discovered against Queen Anne, in favour of the pretended Prince of Wales. ^b To sanction such a rumour, Lovat had been employed to draw the clans into the snare; and, having gained their *written* declaration, it was

hoped the French king would be entrapped into an enterprize against Britain, which ministers were prepared to encounter and profit by. How dexterously their emissary discharged his task has been seen. It now remains to trace his further progress. Arriving in Scotland, he waited on the friends of James, in the face of a proclamation * by Government, to take him dead or alive; but "he had nothing to fear," as he well observes; ° for the proclamation was doubtless a lure to the disaffected. His exertions to involve the clans not answering his expectations^d (though he got several people to declare themselves ready for revolt)^e he returned to London,^f from whence he was sent to France to get further encouragement.^g After encountering some difficulties, he made a report, on his arrival, of his negotiations,^h and his ill success; but his secret interviews with the Duke of Queensberry getting wind, created suspicions to his disadvantage, and his Lordship was imprisoned in the Bastile.ⁱ

* Memoirs, 161.
M'Pherson, I. 646.
^d Ibid. 165.

^e Carnwath's Memoirs, 74 to 84.

^f Ibid. and his Own, 185.

^g M'Pherson's State Papers, I. p. 640.

^h Ibid. 641, 640, 652. Memoires de sa Vie, 46.

ⁱ Lockhart Papers, I. 85.

To ensure Lovat's arrest, the Earl of Middleton sent a copy of his memorial to the Queen to the Marquis de Torcy, the French minister, with the following remarks: ^k "*Paris, 16th January, 1704.*—I have the honour to send you the account which Lord Lovat has given to the Queen. The original is written with his own hand, and signed with his own name, and I venture to assure you, the translation is exact, and even literal. I doubt not you will be as much surprised at it as we have been; for, although I never had a good opinion of him, yet I did not believe him fool enough to accuse himself. The informations given against him by others are out of the question; and it is unnecessary to fatigue you with a number of remarks, because every thing is explained in his own memorial. He has not, in some places, been as careful as authors of romance, to preserve probability. For, besides the vanity which runs through the whole, he begins

^k M'Pherson's State Papers, Vol. I. 652.

* We learn from the Duke of Athol's Memorial to Queen Anne, that, by the Journal of the Privy Council of Scotland, of 21st September, 1703, letters of fire and sword were granted by the Council against Captain Fraser.*

* Vol. of Tracts in Advocates Library, ff. 7, 8. No. 40.

with a story at Durham, which is totally false. He acknowledges plainly a formal disobedience; for he was absolutely forbid to treat with any but the Highlanders, and only with such among them as had sent him. He told me, that Queensberry, Argyle and Leven were the greatest enemies of the King, my master, in that country; yet he communicated to them the whole of his commission, which is a crime that deserves hanging in every country. He rejects extraordinary offers, but obtains a pass to go to London, and from thence the same Queensberry obtains another pass for him, under a borrowed name, to secure his safe return to France. This is very true, for he has produced them. It is, therefore, clear as day-light, that these noblemen wanted to employ him here as a spy, and for seizing letters and commissions which might serve as proofs against the men of honour in that country. You will be pleased to observe, Sir, that in his own report, he makes every one ask commissions, in order that he might obtain now what was refused to him last year. He accuses none but James Murray, who is a man of such known probity, that my Lord Arran called for him as a man in whom he could place the greatest confidence; but, foreseeing that Mr Murray's account would not be favourable to him, he chose to be beforehand with him. If the king thinks proper to apprehend him, it should be done without noise. His name should not be mentioned any more; and, at the same time, all his papers should be seized. He has a companion called Fraser, who has attended him every where. I know nothing more about him."

His Lordship was examined by the Pope's nuncio, on queries sent to him in the name of the Queen, by Middleton. The nuncio returned them, with his answers, to the Court of St Germain, upon which the ministers of that Court made severe and pertinent remarks.¹

What Lord Middleton suspected, concerning Lovat's insincerity, was amply confirmed by Captain Murray's report,^m as well as by other evidence.ⁿ

Meanwhile, Sir John M'Lean, and Campbell of Glendaruel, a creature of his own, disclosed the plot to the Lords Athol and Tarbet.^o These

¹ M'Pherson's Papers, I. 656.

^m Ibid. 662.

ⁿ Ibid. 669, 670, 671, 688.

^o Ibid. 138 and his Memoirs, 195, 199.

nobles went, without a moment's delay, to Queen Anne, and accused the Duke of Queensberry of high treason, for having maintained a commerce of the most villanous kind with a partizan of the Courts of France and St Germain's.^p * Queensberry, in vindication of himself, stated, that Fraser, when he came to Scotland, wrote to him, that he could disclose matters of great importance to the Queen's service : That, upon that account, he sent for him, gave him a protection there (for which he had her Majesty's permission),^q and procured him a pass to England, with a design he should go back to France, and make clearer discoveries, which he hesitated not to say, would have been made, but for the untimely developement of his scheme. The accusation, which rested mainly on the declaration of one Ferguson, a notorious plotter, was declared false and scandalous, by the House of Lords, who ordered Ferguson to be prosecuted by the attorney-general, and imprisoned in Newgate.

^p Ibid. and Carnwath's Memoirs.

^q M'Pherson's State Papers, I. 664. Somerville's Hist. of Queen Anne, 176-7.

From the narrative of this mysterious affair, and the various conjectures formed of it, every one must see, that if Lord Lovat was sincere in his professions, at the outset, for the exiled family,^r he betrayed his trust to the Duke of Queensberry;^s adding deceit to treachery, by returning to his old friends, after doing so; whilst, upon the other hand, if the conspiracy was unfounded, and hatched by the party in power, to ruin their antagonists, we need not hesitate in affirming it to have been the most cruel and vindictive fabrication, perhaps, ever invented. The consequences to a great part of the nation would have been dismal in the extreme; and there is no need of comment on that man's character, who could be the tool of so nefarious an object. Some again have thought that the

^r Life and Adventures, 79, Memoires de sa Vie, 43.

^s M'Pherson State Papers, I. p. 640.

* In a volume of printed tracts in the Advocates' Library, containing an account of the Marquis of Montrose's victories, speeches, &c. about the Union, is preserved the accusation of the Duke of Athol. It is thus entitled:—"Memorial to the Queen by the Duke of Atholl, giving an account of the discoverie of Captain Simon Frazer and his accomplices, which was read to her Majesty in her Scots Council, at St James's, the 18th of January 1704."—Vol. marked F. F. 7, 8. No. 40.

^t Memoirs de la Vie du Lord Lovat, 41.

^u Carstares' State Papers, 718.

extraordinary zeal of the opposition for the detection of the plot, was assumed as a mere veil to their own treacheries; ^t an opinion which derives countenance from a letter addressed by the celebrated Harley, Earl of Oxford, to Mr Carstares, ^u the year not mentioned, but evidently 1703, from the letter immediately following it:—" *Friday Night, 10 o'clock*.—I must not conceal from you, that it is very grievous to those who wish well, and are able to act well, to find the chief of the Scots nation so averse to any *discovery of the French correspondence*, and that when they would serve that nation, they conceal the means. Nothing is wanting but *Lovat* (Fraser, I mean.) Cannot the person who knows where he is be persuaded to let him be found?" We should be inclined to say, there must have been a conspiracy to have called for such expressions as these.

^v His Memoirs, 295, 300.

^w Ibid. 327.

^x Memoires de sa Vie, 47. Hender-son's Hist. of Rebellion, Edit. 1753, p. 6.

^y Memoires Authentiques de sa Vie, 158-9.

^z Memoires de sa Vie, 50-51.

^a State Trials, Vol. XVIII. p. 849. M^rPherson's State Papers, Vol. I. p. 639.

Lord Lovat was now a prisoner in France, ^v not (as he says) in the Bastile, but in the castle of Angouleme. Here he was confined three years. ^w* One writer says, that, upon obtaining his liberty, he became a member of the Society of Jesuits. ^x This is denied by another author, who attributes the report to the pleasantries of his Lordship, in pretending to have become master of their intrigues, when in exile; and his assertions, that, had he thought it worth while, he might have taken orders, and, perhaps, been Pope in time! ^y

It is to be hoped, that if he really assumed the clerical garb, he was guiltless of profaning it to the vile purposes ^z which have been reared against him, and given to the world. He, indeed, admitted, after his condemnation, that he had studied divinity, whilst abroad, and become a Roman Catholic.

It were to no purpose to trace the arts ^a by which his Lordship endeavoured, for several years, to effect his escape from France. We may,

* In the "*Life and Adventures of Lord Lovat*," is an account of his Lordship's imprisonment in the Bastile; interspersed with singular anecdotes of his fellow sufferers, too long for insertion here.

therefore, return for a moment, and view the state of Scottish affairs in his absence.

The family of Athol having annulled Lord Lovat's marriage with the Lady Dowager of Lovat,^b took every means to ruin him. By their emissaries at St Germain's they spread the darkest calumnies against him, and greatly augmented the persecutions he received from that Court. But the more effectually to blast his hopes of succeeding to the dignity and estates of his name, they married the young heiress, Amelia Fraser, (daughter of the dowager Lady Lovat, and of Hugh, the last Lord), to Alexander Mackenzie, son of Lord Prestonhall.^c That gentleman, in addition to his own name, took the title of Fraserdale. But, knowing that the dignity and estate had always been possessed by an *heir-male*, from the origin of this noble house, as far as can be ascertained from history and record, these parties ingeniously spread a report, that both had of old belonged to the *Bissets*, whose daughter and only child married a gentleman of the name of Fraser, from whom they descended to the heir of line. This story wanted legal countenance. To vest, therefore, both dignity and property in the person of Lady Emilia and her posterity, Lord Prestonhall, her father-in-law, purchased an apprising against the estate of Lovat, led in the year 1669, for £1000 Scots; and he, on that title, and she, as heiress of line of the Bisset, joined in a process of reduction, improbation and declarator against the heir-male, who was absent; and, on 2d December, 1702, obtained a decree before the Court of Session, he for the estate, and she for the honours. On the 9th March, 1703, his Lordship adjudged the lordship and barony of Lovat, and made resignation thereof of new.^d When he thought he had thus established his right, he executed an entail of the estate upon the heirs of the marriage^e between his son and Amelia Fraser, whom he styled Lady Lovat, her eldest son being called Hugh, *Master* of Lovat. In this way were both the title and estates enjoyed in Simon Fraser's absence.

^f But Prestonhall's intention being only to amuse the Frasers till he should find a fit opportunity of extirpating their clan, he reserved, by

^b *Memoires de sa Vic*, 147.

^c Lovat Case, 1730. Memorial for Simon Fraser, L

^d Reg. Mag. Sig. LXXIX. No. 85.

^e Reg. Mag. Sig. Lib. LXXIX, No. 60.

^f Lovat Case. Memorial for the Sir-name of Fraser, I. August 20, 1729,

the same writ, a power of making such alterations as he thought proper. Accordingly, he framed a deed, with the sly contrivance of sinking the Frasers into the M'Kenzies, by encouraging the former to change their names, and providing, as a condition of the estate, that, should they return to, and re-assume their ancient name of *Fraser*, they should forfeit their right. The deed is curious, and is as follows: " Be it known to all men, by thir presents, me, Mr Roderick M'Kenzie, of Prestonhall, one of the Senators of the College of Justice, forasmuch I did make a disposition of tailzie of the lands, lordship and others, of the estate of Lovat, and other rights thereto belonging, of date the 9th day of February 1706 years, registrate in the register of tailzies, at Edinburgh, the 27th day of February the said year, to and in favour of Alexander M'Kenzie, my son, and Hugh, Master of Lovat, son to the said Alexander Mackenzie, in fee and life-rent, with reservations, conditions, and limitations, at length therein contained, and particularly, with a reservation to myself, at any time in my life, to alter the same, to sell, annailzie, or dispone upon the said lands and rights, in whole or in part, at my pleasure, which disposition does contain several limitations and irritancies, and particularly, that the said Hugh, Master of Lovat, my grandchild, and his heirs of tailzie, should bear the sirname and arms of *Fraser*, and coat of arms therein mentioned, in a quartered shield, carrying three freses, or strawberry leaves, in the first quarter, by the name of *Fraser*, and one hart-head in the second quarter, by the name of *Mackenzie*, three legs in the head-quarter, by the name of *Macleod of Lews*, and three crowns in the fourth quarter, by the name of *Bisset*; and that under the penalty of losing their right of succession to the lands and rights disponded, in case they, or any of the said heirs of tailzie, should not bear the said sirname of *Fraser*, or alter the said arms; yet, nevertheless, by the power reserved to me, by my said disposition and tailzie, for certain motives and good considerations moving me, wit ye me, be thir presents, to grant full power and warrant to the said Hugh, Master of Lovat, himself, or to any of his heirs of tailzie, if they shall think fit, *in place of the sirname of Fraser*, to carry the sirname of *M'Kenzie*,

and to alter the said coat of arms, by carrying the *deer's head in the first quarter, and the three Freses, or strawberry leaves, only in the second quarter*, and that without any hazard, danger, or prejudice of incurring the irritances contained in the foresaid disposition of tailzie, which are hereby taken off, in so far as concerns the alteration of the name and arms above specified, but prejudice of the provisions of tailzie, and other clauses whatsoever, contained in the foresaid disposition, and the clauses irritant adjected to them, which are hereby nowise to be prejudged, but expressly ratified and approven, with provision and condition also, that the said sirname and arms being once altered, and recorded so in the books of heraldry, or in the Lord Lyon's office, that it shall not be in the power of the said heir of tailzie, who alters the same, or assumes the sirname of Mackenzie, *ever after to return to the sirname of Fraser and their former bearing, under the hazard of the irritancies and penalty contained in the foresaid disposition of tailzie*, which, *brevitatis causa*, are here holden as repeated: And, for the more security, I am content, and consents, that thir presents be insert and registrate in the books of Council and Session, or in the Lord Lyon's Register, as shall be judged most convenient, and constitutes

, my procurators for that effect.

In witness whereof, I have written and subscribed thir presents, at Edinburgh, 23d day of February, 1706 years, before these witnesses, Kenneth Mackenzie and Donald Merchison, my servants.

“ ROD. MACKENZIE.

“ Ken. Mackenzie, Witness.

“ Don. Merchison, Witness.”

It was decreed that all these cares were to be fruitless; for his clan still continuing faithful, they dispatched Major Fraser of Castle-leathers, in the year 1714, to entreat of Lord Lovat to return and take possession of his inheritance.^s The Major found him, by his own account, at Saumur, by the other, at St Omers. About the 12th of October, that year,

^s *Memoires de sa Vie*, 48. *His Memoirs*, 418. *His Life and Adventures*, 203.

^b His Memoirs, 455.
163. Memoires, 49.

under pretence of paying a visit to a friend in the country,^b he secretly departed for England, and landed at Dover on the morning of the 1st of November, 1714.

ⁱ Memoirs, 461, *et*
seq. State Trials,
Vol. XVIII. p. 828.
^k Culloden Papers,
32, 33, 336.

His friends, the Duke of Argyll and Lord Ilay, saw the danger of this step. They immediately endeavoured to obtain a remission of the sentence of death still in force against him.ⁱ With this view, addresses to the Court were circulated for signature through the northern counties.^k Whilst awaiting the issue of his application for pardon, news of the insurrection in Scotland reached London. In their alarm, ministry had recourse to Lord Lovat, whom they furnished with a pass-port for Edinburgh, under the name of Brown. Here he was arrested by an order from the Lord Justice Clerk, as a condemned traitor; but his wonted finesse enabled him to escape.^l In conjunction with Mr Forbes of Culloden, he now proceeded

^l Memoires de la Vie
du Lord Lovat, 52,
54, and his Life and
Adventures, 209.

1715,

^m Narrative by an
Eye-witness to Lord
Lovat's account of
the taking of Inver-
ness, in Patten's
Hist. of the Re-
bellion. Edit. 1717,
p. 142.

ⁿ Memoires, 59.

^o Ibid. 60. State
Trials, 18, p. 829.

to the north by sea; but being driven into Fraserburgh, adjoining to the residence of his old enemy, Lord Saltoun, they were indebted to the good offices of Mr Baily, procurator-fiscal there, for the means of conveyance to Culloden-house. Lord Lovat arrived there on the 5th of November,^m and dispatched letters to all the gentlemen of his name to appear in arms for the Government.ⁿ They obeyed the summons. With these and his other auxiliaries, he marched against the M'Intoshes and M'Donalds, who had prepared to dispute his passage. No action, however, took place; for these clans, intimidated by his firmness, dispersed.^o His Lordship then advanced to Inverness, with the intention of investing it; but Sir John M'Kenzie, the governor, taking advantage of a spring-tide, which rendered the river navigable, left the town, by means of boats, and transported his followers into Ross. Lord Lovat, upon this, took possession of the town. The brother of the Laird of Kilravock, pursuing the rebel guard to the tolbooth, was there shot through the body.^p The Earl of Sutherland joined Lord Lovat on the 13th of November, when the news arrived of the defeat of the rebels at Dunblain. Leaving a sufficient garrison in Inverness, these lords then led their troops into the territory of the Earl of Seaforth,^q and compelled the natives to submit.

^p Patten's Hist. of
Rebellion, 151.

^q Memoires, p. 62.
State Trials, Vol.
XVIII. p. 829.
Life and Adventures
of Lovat, 216.

At the same time, Lord Lovat dispatched a faithful friend to Perth,

where the main body of the rebel army lay, to entreat of the Frasers, who were led by his rival, Fraserdale, to join him, which they to a man complied with.^r His forces thus augmented, he entered Murray and Strathispey, and exacted obedience from the proprietors. The Earl of Seaforth, in the mean time, having collected the scattered remnant of the insurgents, threatened Inverness: Lord Lovat made dispositions for an attack; but, by the advice of Lord President Forbes, then serving with the army,^s hostilities terminated without bloodshed, and the insurrection was crushed in the north by the submission of Seaforth.

^r *Memoires*, 153.

^s *State Trials*, 18, p. 829. *Memoires de sa Vie*, 62, 154. *Culloden Papers*, 43.

^t *State Trials*, 18, 830. *Memoires*, 154, 85.

^u *Douglas, Peer*. 11. p. 160.

^v *Culloden Papers*, 56-7, 339.

^w *Memoires du Lord Lovat*, 64.

^x *Scot's Magazine*, May 1755, p. 269.

^y *State Trials*, 18, 843.

^z *Ibid*, 18, 565.

^a *Ibid*. 751-2.

^b *Ibid*. p. 587-8.

A. D. 1721.

^c *Doug. Peer*. II. p. 160.

For his great exertions, Lord Lovat received three letters of thanks from the King himself, and had an invitation to Court.^t His pardon passed the Great Seal, 10th March, 1716.^u He was appointed Governor of Inverness, with the command of a free company of Highlanders, and a grant was made to him of Fraserdale's life-rent escheat for accession to the rebellion,^v on 23d August the same year. But that person's son, Hugh Fraser, having laid claim to the estate, as heir of Hugh, Lord Lovat, and of his father, under his contract of marriage, a contest ensued, which terminated by the House of Lords deciding in favour of Lord Lovat's enjoying the estates of Fraserdale during his life,^w the fee remaining with Hugh Fraser, in spite of his father's attainder. Fraserdale died at Leith, 2d June, 1755, ætat. 72.^x

His Lordship was now in possession of his paternal domains. Nevertheless his passion for intrigue remained. To use his own words, "he was never out of a scheme for restoring the royal family, since he was 15 years old."^y

^z In 1719, when a Spanish invasion was undertaken in favour of the Pretender, and Spanish forces actually landed, his Lordship wrote to the Earl of Seaforth, promising to join him. But before he could do so, however, the attempt was defeated. His letters bear testimony to his having been the most active partizan of the exiled prince.^a But for his dexterity, one of them would have closed his career in 1719.^b

Two years thereafter, his Lordship, who had assumed the title, on the gift of Fraserdale's life-rent of the Lovat estate,^c voted by list at the

^d Robertson's
Proceedings, 92.

election of a representative peer.^d It was objected against him, that he had no title to the dignity and honours, the same being vested in Amelia, Baroness of Lovat, as heir of line to her father Hugh, last Lord, by the decision of 2d December 1702; and also, that having been attainted, any dignity in his person must have been forfeited. To this it was answered: that the lordship, lands and estate of Lovat are settled on heirs-male, and that Lord Simon is the nearest heir-male of the last lord, and consequently has a right to the title; and that any doom or forfeiture was taken off, by the pardon under the great seal. His vote was again objected to at the general elections 1722 and 1727. To determine his right to the honours, his Lordship instituted an action against Hugh Fraser, son of Fraserdale, who had assumed the title on his mother's death.^e His pretensions were built upon the charter of the dignified barony of Lovat, 26th March 1539, which settled the honours, with the barony itself, to *heirs-male*; "and as by no act of the crown since the year 1539, has that former settlement been altered, or a new descent to heirs whatsoever been introduced, so the dignity must continue limited to heirs-male to this day."^f

^e Doug. Peer. II.
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^f Lovat Case.
Remarks for Lord
Simon, p. 7. on
Information for
M'Kenzie.

^g Records in
Register Office.
Culloden Papers,
113.

After a protracted litigation, the Court of Session pronounced their decision on the 3d July 1730,^g reducing the decret in absence of 2d December 1702; and further, "Decerned and declared the title, dignity and honours of Lord Fraser of Lovat, to pertain and belong to the said Simon, Lord Fraser of Lovat, pursuer, as eldest lawful son of Thomas, Lord Fraser of Lovat, his father, who was grand-uncle to Hugh, Lord Fraser of Lovat, deceased, father of the said Mrs Emilia Fraser, and grandfather of the said Hugh M'Kenzie, defender; and consequently as heir-male of the family of Lord Fraser of Lovat, to whom the said title and dignity does descend."

This judgment, though a correct one, was given by an incompetent Court.^h Speaking of the suit itself, and of that between Lady Elizabeth Sutherland and Sir Robert Gordon, for the earldom of Sutherland, in 1766-1771ⁱ, Wallace terms them the great repositories from which knowledge is derivable on the subject of Scottish peerages.

^h Speech of Lord
Mansfield in Suther-
land Case. Kames's
Law Tracts, Edit.
1758, Vol. I. p. 319.

ⁱ Feudal Tenures,
60.

An appeal was prevented by a compromise, whereby Hugh M'Kenzie, or Fraser, ceded to Simon, Lord Lovat, for a valuable consideration, his pretensions to the honours,^k and his right of succession to the estate of Lovat, after his father's death. To complete his title, his Lordship obtained a bond for a large sum from Hugh Fraser, and charged him to enter heir in special to his grand-father, and thereupon adjudged all rights which he might have as heir of the marriage. At the same time, he adjudged from the Duke of Athol, as heir of his father, the rights of the estate, which were vested in him as trustee for the heirs of the marriage of Lady Emilia Murray with Hugh the last Lord. And having succeeded in a declarator of reduction against Lord Kinnaird, as heir of his mother,^l daughter of the tenth Lord, he expedite a charter of the whole lands, lordship and barony of Lovat, under the Great Seal, on the 26th July 1788,^m in favour of himself, and in his default, to Simon, Master of Lovat, Alexander Fraser, his second son, and Archibald Fraser, his third son, and the respective heirs-male of their bodies successively; all of whom failing, the succession opens to his heirs-male whomsoever. Before instituting the lawsuit, Lord Lovat was extremely desirous of settling matters amicably with Fraserdale and his son, through mutual friends.ⁿ A correspondence accordingly ensued between him and Sir Kenneth M'Kenzie of Cromarty, Bart., the constituent of Fraserdale, from whence we extract a few letters,^o as specimens of his Lordship's style.

^k Doug, Peer. II. 160. Memoires de sa Vie, 65, 155. State Trials, 18, 760.

^l Memorial for Lord Lovat in a law-suit with Chisholm of Mucherack, in Court of Session, June 1st, 1741.

^m Reg. Mag. Sig.

ⁿ Lovat Case. Information for Lord Lovat, January 19, 1730, p. 4.

^o In the Author's possession.

“ TO SIR KENNETH M'KENZIE OF CROMARTY, BART.

“ HON'BLE AND DEAR SIR,

“ I receav'd the honour of your letter, dated the 19th, from Cromarty, late last night, as I was at Kineres house, being invited ther to the infer*

* When these letters were read before the Antiquarian Society in December 1824, Sir Walter Scott explained to the meeting, that by the word *infer*, was understood the ceremonial with which, anciently, young brides were welcomed to their new home.

of his young wife ; he married lately a daughter of Mr Menzies of Pittfodel on Dye side ; and her brother and sister coming with her, I could not well refuse to pay the duty I ought to strangers in my own country, so I beg you may excuse me at your hands, for not making answer to your letter last night. I am heartily glad you are well, and the lovely children I left with you, for I was truly affraid you had fallen ill, not having heard from you for a fortnight, and I was resolv'd this day to send to know how you did. I was always fully persuaded that one of Sir Kenneth M'Kenzie's character would not trifle with me or amuse me in an affair y^t my honour and whole interest depends upon. Therefore, as your letter convinces me y^t your constituent is in good earnest, so you may rest fully persuaded, that if I have honour, integrity or christianity, I am in plain downright earnest, and you shall be more convinced of this when you receive my proposition. I am sorry that my paying a duty at your own house, y^t I had at heart long ago without any views of this affair, should propale it, but I do assure you that I was very silent about it. But your constituent and I must be over the talk, and censure off friends themselves, when our all is at stake, which I am sure the pretended friends who would divert this agreement, have neither inclination or power to make it up to us another way, so its needless to begin any negociation on this subject, if malicious storys on either side can blow it up.

“ For my part, the doing all the justice and service in my power to your constituent and his children, and the leaving my heirs-male free from fatal disputes, is so charming a project, that no mortal will divert me from it ; if your constituent and his fr^{nds} be as reasonable as I and mine will be.

“ I approve your choice of young Kilravock, and I have just the same opinion of him that you have. I shall go Monday next, God willing, and wait of him at his own house, and endeavour to ingage him to meet with you, and deliver you my thoughts. I think young Scatwell's house of Pitannality will be the fittest place to meet for him and you to shunn all maner of foolish suspicions. If that place does not please you, let me know where you desire it should be, and I shall endeavour to

perswad Kilraak to meet you where you please. I am afraid y^t y^e debts will exceed your list, but y^t will be clear'd in ye finishing of the bargain ; so, some day the latter end of the next week, or sooner if I can, I shall have the honour to acquaint you what Killraack will do.— I offer you and the lovly boys, especially my dear Jerrard, my most humble duty, and I am, with a sincere esteem and ane infinit respect,

“ Honrble and Dear Sir,

“ Your most obedient, and most

“ Oblidged humble servant,

“ LOVAT.

“ Beaufort, the 22d of November 1723.”

“ HONOURABLE AND DEAR SIR,

“ Since Fraserdale harkens to the malicious and ignorant advice of a little fellow, y^t flatters me every day as much as he does Fraserdale, I am sorry for it ; but I may without gasconade tell you, y^t it is *tant pis pour luy* ; ffor as I defeat him and all his patrons thir seven years past, I think I'll easily keep my ground when my great ffrinds are now at the helm ; and your constituent is far in the wrong to himself, in not following your solide and excellent advice ; for I declare to you as a man of honour, y^t I was resolv'd not only to pass from all things included in my gift, y^t are w^hout this countery, but I was fully resolv'd to plague all my ffrⁱds, till they procur'd to his family the 300 pds allowed them by act of parlement, how soon ever the grand affair was adjusted ; and you may believe y^t my solicitations will not now be imploy'd y^t way. Therefore, I doubt if his Atholian Counsels will, while he lives, make up to him what he now strangely regects. It is true, I was charm'd w^t ane agreement, y^t was so usefull to his posterity and mine, and so desireable to all his kindred and mine ; but sinc he breaks it of so unhandsomely, I am extream easy ; since the world must leave the blame at his door, when I make my good intentions publickly known, as I will ; and he will find y^t I have several strings to my bow besides my gift, to secure the estate of Lovat to my hier-male.

“ In the meantyme, my dr Sir Keneth, I give you a thusand sincere and hearty thanks for your good offises in this matter, and happy for your constituent, if he had given you full power to end it. But while I live, I shall be grateful for your good intentions, to make up a breach y^t may dissturb me, but most infallible ruin your constituent and his children, who, I think should have a share in his *thoughts*: Now yat this affair is blown up, I’ll make y^e best of my way to London, and I beg to receave your commands, for their is nothing but I’ll do to convince you yat I am, with gratitude and a singular respect,

“ Honble and dear Sir,

“ Your most obedient and most

“ Humble Slave,

“ LOVAT.

“ Beaufort, the 25th of November 1723.

“ I forgot to tell you y^t your cousin and mine, the tutor of M’Leod, dyed the 8th of this month, at his house near Donvegan; he was a worthy honest loyall man, and he has left prety fellows to his sons. I wish the Laird of M’Leod be kind to them.”

“ HONORABLE AND DEAR SIR,

“ You will see by the inclosed paragraph of Mr Macfarlan’s* letter to me by y^e post, y^t Fraserdale’s most essential ffrinds are fond of thir agreement. In short, their can be no man of sense against it, except my Lord Athol and his creatures, who rather see Fraserdale and me hang’d on y^e same gibbet, than see us agree. I beg dear Sir Keneth ye speak to Fraserdale to lay his hand to his heart, and do things handsomely and cordially as his near relations do advise him, or give it up at rights, for it canot but irritat me and all my ffrinds if this project end in a foolish amusement, and my tyme is at present very pre-

* Mr John M’Farlane, W. S., Lord Lovat’s man of business.

tions* to me, and I would have been at London before now, if it had not been to wait this transaction. I shall be glad yat it should succeed, but if it does not, it's what I shall never forgive to Fraserdale, and I most in honour show my resentment in it ; for no man loves to be abus'd in ane affair of this kind. I hope and beleive better things of Fraserdale, who hes a very good character wi' y^e world. He desired I should have a servant at your house to-morow, to bring me your return. I hope it will be satisfactory, and whether or not, I shall allways have a true sense of your good intentions to us both ; and I am, w^t a sincere esteem and singular respect,

“ Honble and Dear Sir,

“ Your most obedient and most

“ Humble servant,

“ LOVAT.

“ Beaufort, y^e 29th of November 1723.”

“ HONBLE AND DEAR SIR,

“ I had just now the honour of your letter, and I give you a thusand thanks for y^e pains and trouble y^t you are at, in makeing ane agreement which is most certainly fully as much to Fraserdale's and his childeren's advantage, as it is to mine, and if it is concluded, he should look all his life upon you as the best ffriend he hes on earth ; for, by this bargain, he will make a better estate than ever he could make of the estate of Lovat, though he had no competitor, and I think it is easy for him to see y^t. I'll keep it as long as I live, let ye tymes turn as they will ; and though I was gone, their will be allways ane heir-male y^t will have ffrds y^t will dispute their right w^t him and his, to futur ages ; so y^t I think it is plain infatuation if he is not advised by his ffrds and relations ; and for my part, I shall let you and the world see both my sin-

* He was probably engaged in the compilation of his celebrated Memorial to George I. on the state of the Highlands.*

cerity and generosity to end it, tho' I should make myself uneasy in my circumstances all my life, to make ane agreement y^t would unit us like brethern together on all occassions, both publick and privat. Their are many besides y^e family of Athol y^t would not wish to see me and my people unit to yours, and its their business to obstruct this desirable union; but I would ask you all, if they will give actually a good estate to Fraserdale, to keep up the enmity betwixt us?—and if they did, which they never will, I think they should not be heard, if they do not offer a better bargain than I do. I need say no more on y^t head, to a man y^t does understand every good and bad consequence of this affair, better than I do myself. Fraserdale should have been w^t you yesterday, but was sent for by Sir Thomas Calder, and was to see y^e Laird of Dryny, whom I saw a persecutor of y^e Mackenzies w^hin these few years, while I defended them against his fury. I hope Fraserdale has more judgment than be advis'd by any who are rul'd by Scots party, and their private interest; for on my side, if y^e Duke of Argyle was against this agreement, it would not hinder me a day to conclude it, sinc it regards so much y^e standing of my family, and the good of both our kindreds, and I know his Grace of Ar. is very much for it. Fraserdale was to satisfy you intirly this day, and show you Mr Macleod's letter, so, when I have your return, I shall send ane express south. I throw myself in your hands, and I am with ane unalterable respect,

“ Hon^{ble} and Dear Sir,

“ Your most obedient and most

“ Humble Servant,

“ LOVAT.

“ Beaufort, y^e first December 1723.

“ (P. S.)—I have sent my principal servant *incog.* with this letter, and I beg y^t you may send me some positive return, for I must think of going of in ten or twelve days, and it is not right to put any more stops to this mater, if it is really designed to be finish'd: I embrace all y^e lovely boys your sons, and my favourite Jerrard in particular.

Lord Lovat was a sufferer by the South Sea mania ; but an adventure which befel him a few years after, had nigh led to more serious consequences, and ended in a rencontre with the Duke of Wharton.^a That gay noble, incensed at the marked attentions paid by Lord Lovat to a lady in the retinue of the Spanish ambassador, to whom he was violently attached, penned a challenge, which his Lordship was not long of accepting. They met next morning in Hyde Park, and advancing to each other, fired their pistols without effect. A desperate contest then ensued with their swords, but his Lordship fell in the act of avoiding a home thrust, and his antagonist refusing to take advantage of his misfortune, he voluntarily resigned all pretensions to the lady, only requesting his Grace, that as nobody had been made privy to the affair, he would be so generous as still to keep it a secret.

^a Life and Adventures of Lord Lovat, 222-224.

We may now turn from the consideration of his Lordship's private matters to those public scenes in which he figured. As the events of 1715-16 caused him to be looked upon as a man of great consequence, Government applied to him as the fittest person for information respecting the Highlands. Accordingly, his Lordship drew up a memorial to his Majesty, which was referred to as authority by Marshal Wade, when sent to Scotland, in July, 1724.^b

^b Letters from the North, Vol. II. Appendix, 254, 269 Edit. 1822.

The danger from the rebellion being blown over, the ministry, with a foolish disregard to the services and power of Lord Lovat, stripped him of his pension, and the command of the free company to which he had been named by his Majesty's favour, for no other reason than his supporting a candidate for the county contrary to their instructions, the gentleman being of their own party.^c His Lordship was not long of shewing his resentment ; and the removal of many regiments from the garrisons of the north, left him at more liberty to express his discontent and arrange his plans.

^c Memoires de sa Vie, 85, 86. State Trials, 18. 832.

In 1736, one Roy Stewart having escaped from the jail of Inverness, where he was imprisoned for high treason, came to Lord Lovat's house, (he being then Sheriff of the county,) and, after remaining there about six weeks, was dispatched to the Pretender, with an assurance of his Lord-

^a Ibid. 18. 566-7, 590, 806, 834-5, and Henderson's Hist. of the Rebellion, Edit. 1753, p. 6, 8.

ship's devoted attachment to his cause.^d He, at the same time, desired him to procure him a commission, as lieutenant-general, and a patent of dukedom.

In the years 1739 and 1740, his Lordship entered into an association in favour of King James, and proposed an invasion. He obtained his commission, and patent of nobility, in 1742. When the invasion was actually resolved upon, in 1743, his Lordship was selected, as a person of figure and interest, to conduct it in the Highlands. Great preparations were made at Dunkirk; yet the failure of the expedition nowise affected his Lordship's resolution of becoming the most active partizan of the malcontents. War was declared between France and England, in March, 1744; and, on the 25th July 1745,^e the young grandson of James II. landed in a remote corner of the Western Highlands, with only seven adherents.^f Notice was immediately given to his well-wishers, and to Lord Lovat in particular:^g But his Lordship, willing to keep up appearances with Government, made the most solemn assurances of fidelity to President Forbes,^h secretly, however, sending for his son from St Andrews, and appointing him Colonel of the clan. Arms, money and provisions were collected; the clansmen rendezvoused, and the fiery cross circulated.ⁱ It was impossible to veil such proceedings in secrecy,^j and the Lord President, to whom he owed much, candidly wrote him of the reports abroad, and besought him, by every sacred consideration, to weigh well what he owed to the established power. His Lordship had even to complain of an attack by the Stratherrick Frasers upon his house. To the sincere and often repeated solicitations of the President, Lovat returned evasive replies,^k opposing subtile subterfuges and deceitful pretexts to sound argument and solid advice.^l

The following singular letter from his Lordship to Lochiel, affords a convincing proof of the duplicity of his measures:—

“ DEAR LOCHIEL,

September, 1745.

“ I fear you have been over rash in going ere affairs were ripe. You are in a dangerous state. The Elector's General, Cope, is in your rear, hang-

^k Ibid. 232, 236-8, 252, 260, 436.

^l Mémoires de sa Vie, 90.

ⁱ Ibid. 221-2, 228-9, 231, 235-7.

^h Culloden Papers, 210, *et seq.*

^g Lockhart Papers, II. p. 440-2.

^f Culloden Papers, Introd. 32, 203.

^e Lockhart Papers, II. 182.

ing at y^r tail, w^t 3000 men, such as have not been seen heir since Dundee's affair, & we have no force to meet him. If y^e Macphersons w^d take y^e field, I w^d bring out my lads to help y^e wark, & 'twixt y^e twa we might cause Cope keep his Xmas here; bot only Cluny is earnest in y^e cause, & my Lord Advocat plays at cat & mouse w^t me; but times may change, & I may bring him to y^e Saint Johnstone's tippet. Meantime, look to yourselves, for ye may expect many a sour face & sharp weapon in y^e south. I'll aid when I can, but my prayers are all I can give at present. My service to y^e Prince, but I wish he had not come heir soe empty handed. Siller would go far in y^e Highlands. I send y^s be Ewan Fraser, w^m I have charged to give it to yourself; for were Duncan* to find it, it w^d be my head to an onion. Farewell,

“ Your faithful friend,

“ LOVAT.

“ For

“ Y^e Laird of LOCHIEL,

“ Yese.”^s †

The battle of Prestonpans determined the wavering mind of his Lordship.^m He immediately gave orders to the Master, his son, to march and join his victorious countrymen,ⁿ insinuating, at the same time, to Lord Loudon and the President, that “ his obstinate, stubborn and ungrateful son” had done so in defiance of his express orders. But they were not to be deceived, and he was taken prisoner by the latter in person.^o As the town of Inverness was chiefly occupied by his adherents, he effected his escape, in a few days thereafter,^p to the isle of Miuly, in Glenstrathfarrar.^q ‡ The march of the rebels to Inverness

^m Home's Hist. of Rebellion, p. 131.
ⁿ State Trials, Vol. XVIII. p. 570, 709.

^o Culloden Papers, Introd. 36, 461.
^p State Trials, 18, 602.
^q Ibid. 760.

* Duncan Forbes, Lord President of the Court of Session.

† This letter was obligingly communicated to me by James Maidment, Esq. advocate, who is in possession of the original.

‡ Henderson, in his History of the Rebellion (p. 229,) says, that Fraser of Gortuleg carried in a sheaf of barley into the prison, to accommodate his Lordship, rolled him in it,

forced Lord Loudon to retire into Sutherland, early in 1746, after a disgraceful attempt to surprise their leader, at Moyhall.^q The President accompanied him in his retreat. On the 16th April, that year, the decisive battle of Culloden for ever terminated the hopes of the unfortunate Stewarts. As soon as Prince Charles beheld his army give way, he made his escape, with a few horsemen of Fitz-James's picquet.^r Some hours after the battle he was found by Lord Elcho, in a cabin beside the river Nairn, surrounded by Irishmen, and without a single Scotsman. His Lordship in vain represented, as unimportant, the check he had received; but he was deaf to conviction, and closed the hopes of his followers, by refusing to lead the gallant men, who, to the number of 8000 or 9000, had assembled at Ruthven, on the 18th and 19th. Immediately after the battle, Brigadier Mordaunt was detached with 900 volunteers, to burn Beaufort Castle, Lord Lovat's residence.^s When the fate of the day was no longer uncertain, the Frasers marched off the field with pipes playing, and were not attacked. Lord Lovat was waiting, not far off, the event of the battle. The same night, the Pretender's son, after fording the Nairn, about three miles from the scene of action, came to Gortuleg, where his Lordship then was, and had an interview with him.^t He received him as his Prince, excused his not joining in person, and parted from him with the tenderest embraces. Both were now obliged to flee. His Lordship sought a temporary refuge in Cawdor Castle. The place of his concealment is situate immediately beneath the roof, in a low-built room, with a single window, near the floor. This was his Lordship's abode, from which he descended, by means of a rope,

^q Lockhart Papers, II. 501.

^r Chevalier Johnston's Memoirs, 147.

^s Ascanius, Ed. 1817, p. 99. *Mémoires de la Vie*, 103.

^t State Trials, Vol. XVIII. p. 791. Lockhart Papers, II. 539. Home's Hist. of the Rebellion, 240. Captain Fraser's Highland Melodies, p. 104.

and secretly carried him out to Gortuleg! On the road to Miuly may be observed a cairn, which recalls a traditional tale of horror. A young man had, either clandestinely married, or debauched a girl of the clan Fraser. Her brothers, in revenge, pursued, and overtook him, and, having stripped him of his clothing, they left him naked, bound to a tree, and smeared with wild honey, to fall a prey to insects! What his sufferings must have been may be imagined, when it is mentioned that the season was unusually warm.

when the visits of his enemies rendered a further residence impossible. The whole of Cawdor Castle is peculiarly calculated (as has been well observed^u) to impress the mind with a retrospect of past ages,—feudal customs and deeds of darkness. Its iron grated doors, its ancient tapestry hanging loosely over secret approaches and hidden passages; its winding staircases, its rattling drawbridge,—all conspire to excite the most gloomy imagery in the mind.

^u Life of Doctor Edward Clarke, p. 322.

Lord Lovat had a meeting with some of the rebel chiefs in May following the battle of Culloden, to concert the raising of a force sufficient to oppose the King's troops: A large sum of French gold^v was distributed among them for that purpose, but they made no further stand. His Lordship retired to the island of Morar, and was finally taken prisoner about the 8th of June. He was discovered wrapped about with blankets in the trunk of a tree,^w and carried on board the Furnace sloop of war. He was then conducted to Fort Augustus, and from thence by Stirling and Edinburgh, to London.

^v State Trials, Vol. XVIII. 571, 604, 739.

^w Henderson's Hist. 359.

^x After mature consideration, his Lordship was impeached for high treason.

^x Life and Adventures, 273-6.

We learn from Lord Mansfield's speech in the Sutherland cause, that much deliberation was necessary. It was foreseen his Lordship would have recourse to art. If he was tried as a commoner, he might claim to be a peer; if tried as a peer, he might insist he was a commoner. Every thing was fully considered; the true solid ground upon which he was tried as a peer, was the presumption in favour of the heirs-male.

The proceedings against his Lordship began in Westminster hall, on Monday the 9th March, and continued on the 10th, 11th, 13th, 16th, 18th and 19th days of the same month, when the doom of a traitor was pronounced upon him.^y One of the principal witnesses against him, was Robert Chevis of Muirtown, his near neighbour. His Lordship called no witnesses,^z but spoke at considerable length in defence, making a great merit of his exertions in 1715, and grievous complaints for the dis-

^y Scots Magazine, April 1747, p. 15.

^z State Trials, 13, 795, 802, 827.

^a State Trials, 18,
743-6.

banding of his company. He seems to have indulged the idea all along, that Government would not treat him with rigour.^a When asked if he had any questions to put to Sir Everard Fawkener, one of the witnesses, he replied he had none ; “ that he was Sir Everard’s humble servant, and wished him joy of his young lady.”

^b Ibid. 18,
p. 842 to 858.

From the moment of his condemnation, this unhappy nobleman behaved with a dignified composure. When the warrant came down for his execution, he cheerfully exclaimed, “ God’s will be done !” And taking the messenger by the hand, drank his health, and thanked him kindly for the favour, as he called it, assuring him he would not change places with any prince in Europe.^b His last care was to write a letter to his son the Master, replete with the tenderest sentiments. On the fatal day which was to terminate his career, he awoke early and prayed most devoutly. He then partook of some refreshment with a good appetite, and called for a purse to put his money in for the executioner. The purse brought him was not so handsome as he could have wished, however, it was one, he observed, no man would refuse with ten guineas in it.

^c Culloden Papers,
302.

“ When the hour of execution approached, he conversed in a cheerful and easy tone with those about him, saying he died as a Highland chieftain should die—that is, not in his bed. On mounting the steps of the scaffold, the vast crowd extracted an expression of surprise : “ God save us ! what a bustle there is about taking off an old grey head, that cannot get up three steps without two men to support it.” Observing one of his friends much dejected, he clapped him on the shoulder, and said, “ Cheer up thy heart, man, I am not afraid, why should you ?” He then gave the executioner ten guineas to do his work well ; and feeling the edge of the axe, said “ he believed it would do.” Then he arose and looked at his coffin, on which was written :—

SIMON DOMINUS FRASER de Lovat,
Decolat. April 9th, 1747. Ætat. suæ 80.

Resuming his seat, he repeated the following line from Horace :—

“ Dulce et decorum est pro patria mori.”

And after that a passage from Ovid :—

“ Nam genus et proavos, et quæ non fecimus ipsi

“ Vix ea nostra voco.”

Having embraced Mr William Fraser, his solicitor, and given him his cane, as committing to him all his power on earth, he took leave of another friend ; he then kneeled down to the block, and remaining in that posture for half a minute, the executioner at one blow severed his head from his body.^d His corpse was buried in the Tower of London,^e with the other rebel lords ; but, as the author was informed by old people, was subsequently disinterred and deposited at Kirkhill, in the family vault.

^d Scots Magazine, 1747. p. 138.
^e Horace Walpole's Letters, I. p. 161.

An unfortunate person, who bore witness against his Lordship on his trial, entering (it is said) soon afterwards into the shop of an enthusiastic and half-witted Jacobite barber at Newcastle, rashly disclosed the fact, whilst under the hands of the madman, who with one fell sweep, instantly dispatched his victim to the other world.^f It must be confessed, the incident bears too much of the character of romance, to deserve implicit belief.

^f Hist. of Hawick.

Of the carrying the judgment against Lovat into effect, Mr Laing says,^g “ whatever his character or crimes might be, the humanity of the British Government incurred a deep reproach from the execution of an old man on the very verge of the grave.” His estates and honours were forfeited to the crown. Among the supplies granted in 1761, was £38,558, 12s. 1d. for discharging debts claimed and sustained on the estate of Lovat.

^g 4. Hist. of Scot. 300. 2d Edit.

Having followed his Lordship to the last scene, we may be allowed, in conclusion, to notice one or two incidents, illustrative of his character, and the severe lengths to which he carried his feudal prerogative. As respects the first, vanity was a predominant foible.^h He was often heard to affirm, that at his birth, a number of swords, that hung up in

^h Letters from the North, I. 154.

¹ Letters from the North, Vol. II. p. 113. *Memoires de la Vie du Lord Lovat*, 101.

the hall of the mansion house, leaped of themselves out of the scabbards, in token that he was to be a mighty man of arms.¹ The omen was not lost upon his Lordship, for, although the presage had not come to pass, he supplied the want of it in 1736, by the erection of a monument in the old church of Kirkhill, within a few miles of CASTLE DOUNEY.* There he might daily feed his passion for fame, by the perusal of the following inscription, still extant :

TO THE
MEMORY
OF
LORD THOMAS FRASER OF LOVAT,

Who chose rather to undergo the greatest hardships of fortune, than
to part with the ancient honours of his house, and bore these
hardships with an undaunted fortitude of mind :

This Monument was erected by SIMON, Lord FRASER OF LOVAT,
his son, who likewise having undergone many and great vicissitudes of
good and bad fortune, through the malice of his enemies, he, in
the end, at the head of his clan, forced his way to his paternal
inheritance, with his sword in his hand, and relieved
his kindred and followers from oppression and
slavery ; and both at home and in foreign
countries, by his eminent actions in the
war and the state, he has acquired
great honours and reputation.

* Though his Lordship kept up a great feudal retinue, his Castle must have been no enviable abode. The celebrated Ferguson, the astronomer, has left a description of it. It was a rude tower having but four apartments on a floor, and none of these large.* Lord Lovat's own constant residence, and the place where he received company, and even dined with them, was the same room in which he slept. His lady's sole apartment was also her bed-chamber ; and the only provision for lodging the domestics and numerous herd of retainers, was a quantity of straw on the four lower rooms of the Tower. Sometimes above 400 persons were kennelled here ! Mr Ferguson often saw Lord Lovat hang up half a dozen of his retainers by the heels for hours, on a few trees round the house.

* King's Munimenta Antiqua. III. p. 175-6.

Hic tegit ossa lapis, SIMONIS fortis in armis,
 Restituit pressum nam genus ille suum
 Hoc marmor posuit cari Genitoris honori,
 In genus afflictum par erat ejus amor.

^k The brave Sir Robert Monro, who fell at Falkirk, being on a visit to Lord Lovat, they went together to view this monument. Sir Robert, upon reading the inscription, in a free manner, said, "Simon, how the devil came you to put up such boasting romantic stuff?" To which his Lordship replied, "The monument and inscription are chiefly for the Frasers, who must believe whatever I their chief require of them, and their posterity will think it as true as the Gospel." These gentlemen may differ from his Lordship in this latter sentiment; they owe him no good will for the way in which he speaks of their ancestors, "the little pity-full barons of the Aird."¹

^k State Trials, Vol. XVIII. p. 847.
 Memoires de la Vie du Lord Lovat, 84.

Of the deeds of feudal oppression, which the blind obedience of his clan enabled Lord Lovat to execute, the following may be taken as specimens.

¹ Culloden Papers, 33.

Mr Fraser of Phopachy ^m acted, on various occasions, as his Lordship's factor, and as such held claims for large advances of money. To prevent disputes, both parties submitted their accounts to two friends. Mr Chevis of Muirtown was chosen referee by Mr Fraser, and Mr Cuthbert of Castlehill, by Lord Lovat. After a minute investigation, these gentlemen decided in favour of Phopachy. His Lordship was extremely irritated on hearing this. Some days thereafter, Mr Cuthbert, who had been from home, discovered that all his inclosures had been demolished by ruffians during the night, who killed, hamstringed and destroyed above a hundred milch cows and other cattle. When the butchery was finished, the monsters went to his house, and wantonly diverted themselves, by telling the servants they had saved their master the expence of a butcher! The author of this villany was not discovered for some time, but every eye turned to Lord Lovat. His indignation against Phopachy led him to institute a reduction of the

^m Memoires de la Vie du Lord Lovat, 74, et seq. Letters from the North, 11. p. 154-5.

arbiters' decree before the Court of Session. Soon after the commencement of the suit, a singular outrage was committed on that gentleman's mansion, by a party of Highlanders, armed and disguised, who beset the house, and broke open the doors, with the determination of putting him to death. Happily for him he was absent. The assassins, foiled in their purpose, tied his daughters to a bed, and forced gags down their throats, to prevent their cries, but the servant maid boldly resisting a similar outrage, was abused with a dirk, in a manner too shameful to be described; ⁿ she, however, succeeded in wrenching it from the villains, and defended herself till her cries and shrieks brought the neighbours to her assistance. The monsters then fled, leaving two of their number prisoners, who persisted to the last in refusing to give up the name of their employer. ^o An avowal of their guilt, which they had secretly made to one of the clergymen of Inverness, was published after their execution, in which they acknowledged that Lord Lovat had employed them to murder Mr Fraser, his emissaries having likewise planned the attack on Mr Cuthbert, and the burning of Mr Robertson's granaries, who was factor for the Lady Dowager of Lovat.

^m Life and Adventures of Lovat, 248.

^l Letters from the North, II. 156.
Memoires de la Vie du Lord Lovat, 78.

^p Vide Lady Grange's Memoirs.

^q Quarterly Review, Vol. XIV. p. 325.

^r Memoires de sa Vie, 81.

^s Ibid. 71-82.

It is well known that he had a principal concern in the abduction of the unfortunate Lady Grange. ^p And yet no one dared openly speak their sentiments of a man in whom were united, in miniature, the arts of a Machiavel with the tyranny of a Cæsar Borgia! ^q Equally atrocious with these crimes was his attempt to rescue a condemned thief, called *Daniel Gruomach*, ^r from the hands of justice, by attacking the prison of Inverness, in the night, which had succeeded, but for the timely precautions of the Magistracy. His tyranny to his vassals and domestics ^s little merited such regard as was shewn by one gentleman for his safety. At a meeting of the freeholders and collectors of the land-tax, at the Court-house of Inverness, in 1744, for the choice of a collector, the Lord President, Lord Lovat, Lord Fortrose, and the Laird of M'Leod were present. A dispute having arisen between Lords Lovat and Fortrose, the first gave the latter the lie, who retorted by a blow on the face. They were separated with some difficulty; but Fraser of Foyers,

who was in the gallery, seeing his chief insulted, jumped into the assemblage, cocked his pistol, and presented it to Lord Fortrose. He would have been killed, had not a gentleman, with great presence of mind, thrown his plaid over the pistol. Several dirks and swords were then drawn on either side, and the Court thrown into great confusion. The Lord President and M'Leod seized hold of Lord Fortrose, and, dissolving the assembly, forced him to go along with them. No sooner did they gain the street, than another of Lord Lovat's followers sprung upon Lord Fortrose, and struck him to the ground with a bludgeon, whilst arm in arm with his friends. As the matter betokened a more serious affray between the clans Fraser and Mackenzie, the President had need of all his influence to allay their differences.

In person Lord Lovat had a grotesque and singular appearance, from the quantity of clothes he wore.^t His portrait, which is among Hogarth's works, supersedes any description.^u His Lordship married, first, Margaret, fourth daughter of Ludovick Grant of Grant, and had issue,

1. Simon.

2. Alexander.^v Baptised 1st July 1729; died 7th August 1762.

1. Janet, married to Ewen M'Pherson of Cluny, grand-mother to the present chief. Died, 14th April, 1765.

2. Sybilla, died unmarried, 9th February, 1755.

He married, secondly, 1st July, 1733, Primrose, fifth daughter of the Honourable John Campbell of Mamore, sister of John, 4th Duke of Argyll, and by her, who died at Edinburgh, 23d May, 1796, ætat. 86, had one son, Archibald Campbell Fraser.^w

Miss Campbell entertained the most decided abhorrence towards Lord Lovat. She repeatedly rejected his addresses; but a cruel stratagem at last placed her in his power. Whilst on a visit to a relation in the country, she received a letter, written apparently by her mother, entreating her immediate attendance at a particular house in Edinburgh, in which she lay at the point of death. The distressed daughter instantly set out, and was received by the domestics with all respect; but, in place of her mother, she beheld the object of her hatred, Lord Lovat.

^t *Memoires de sa Vie*, 105.

^u Ireland's Hogarth, III. 285

^v Deposition of Miss Marjory Fraser, 24th March 1823, before Sheriff of Inverness, in Family Archives.

^w Douglas, Peer. Vol. II. p. 161. Parish Register of Kiltarlity, Scots Magazine, April 1747, p. 159. Deposition of Lord Lovat's Natural Son Simon, 15th October 1823, in Family Archives.

She was compelled to listen to his vows ; but, continuing firm to her previous refusal, he told her she was in a house of bad fame. The disclosure which he threatened, aided by a confinement of several days, eventually overcame her resolution. After the nuptials, he took the woman whom he had so duped into the north, where he behaved towards her with the most barbarous cruelty.* She at last succeeded in making her friends aware of her situation, by rolling a letter up in a clew of yarn, which she dropped over the window to a confidential person. On the interference of her family a separation was effected from her husband. Lady Lovat was in every thing the very reverse of her lord ; the reader will find in Mr Chambers's work many interesting anecdotes respecting her.

* Traditions of
Edinburgh, No. IV.
p. 7.

Lord Lovat had also a natural son, by Mary M'Lean, parish of Kiltarlity, christened Simon, who served 51 years in the army, 37 of which he passed in the 71st regiment of foot, raised and commanded by his brother, Lieutenant-General Simon Fraser of Lovat, as a drummer, and died at Inverness, the 14th day of January, 1824. Scandal has spread numerous anecdotes of his Lordship's devotion to the fair sex ;^y and the treatment of such of his female domestics as refused obedience to his brutal passions has been said to have been almost incredible.^z

y Ibid. p. 11.

z Memoires de la
Vie du Lord Lovat,
73.

The motto of the family till his Lordship's time, had been *Je suis prest* ; but he assumed the words *Sine sanguine victor*, in token of his having overcome all his difficulties without effusion of his blood.

His old antagonist, Hugh Fraser, died at Edinburgh, 9th November, 1770, ætat. 67.

It were to no purpose, after the preceding sketch, to attempt any character of his Lordship. Every one will draw their own inferences, and judge whether the facts here stated afford evidence of those varied talents which he has had the credit of having been endowed with.^a So much has been laid to his charge, that he seems little indebted to the voice of fame ; and it may be difficult how far to award or repress censure. His own saying may be accounted a true one :^b

^a Culloden Papers,
Intr. XXXVI,
Note 61. Letters
from the North,
Vol. I. Note p. 154,
Memoires de la
Vie du Lord Lovat,
106.

^b State Trials, 18,
p. 746.

—— in utrumque paratus

Seu versare dolos, seu certæ occumbere morti.

Pursuant to my plan, I now proceed to the Life of

XIX.—SIMON, MASTER OF LOVAT,

eldest son of the last Lord; by Margaret Grant, his first wife. He was born the 19th October, 1726, and baptised the 30th of the same month and year. ^c

^c Baptismal Register of Parish of Kiltarlity.

When the rebellion broke out in 1745, he was pursuing his studies at the University of St Andrews, and was sent for from thence by his father, who forced him to head the clan in support of the rebels, against his inclination. ^d

^d Culloden Papers, 210, *et seq.* State Trials, Vol. XVIII. p. 837.
^e Marchant's Hist. of the Rebellion, p. 271. Culloden Papers, 211, *et seq.* Henderson's Hist. of the Rebellion, 227.

^e On the news of their advance into England, the Frasers, headed by the Master, formed a sort of blockade of Fort Augustus. Lord Loudon, with 600 of the well-affected clans, marched, in a severe frost, through Stratherrick, part of Lord Lovat's estate, on the south side of Loch Ness, to the relief of the garrison. He met with no opposition; supplied the place with what was wanting, and returned to Inverness, on 8th December. The Master of Lovat joined Prince Charles with 600 of his father's vassals, at Bannockburn, previous to the battle of Falkirk, 17th January 1746. ^f On the evening of that battle he was one of those who met in the house of Mr Primrose of Dunipace, uncertain of the fate of the day. ^g

^f Chevalier Johnston's Memoirs, 83.

^g Ibid 96.

From this time, till the northern parts of the kingdom had become the seat of war, Simon was zealous in discharging his duties to his young master, who wrote a letter of acknowledgment to his father. ^h His clan were among the few who effected a junction with the Prince, on the morning of the unfortunate engagement at Culloden: and fresh auxiliaries from the tribe were hastening up at the very moment of that ill-judged action. It were to no purpose at this period, to comment on the rashness (to say no worse), of an army, exhausted by a night march, in want of food and repose, and thinned by desertion, ⁱ giving battle to another, superior in numbers, animated with the hope of victory, and complete in *materiel*. In justice to the brave men, who contended under such disadvantages, be it enough to say, that, by their gallant demeanour, they shed a partial light around the expiring hopes

^h Life and Adventures of Lord Lovat, 269.

ⁱ Vide Lockhart Papers, Vol. II.

of an unfortunate race. On that dreadful day, the clan Fraser behaved with their wonted resolution, and were permitted to march off unattacked, their pipes playing and colours flying. They were led, says Mr Home, by Charles Fraser, junior, of Inverallochy, as Lieutenant-Colonel, in the absence of the Master of Lovat, who was coming up with 300 additional men, and when half-way between Inverness and Cul-loden, met the Highlanders flying.^k Inverallochy was killed,^l and of the fugitives, who were sorely harassed by Kingston's light-horse, the last lay slain at Kingsmills, within a mile of the town.

^k Hist. of Rebel-
lion, 229, 235.

^l Culloden Papers,
473.

^m Life and Adven-
tures of Lord Lovat,
72.

ⁿ Scots Magazine,
August 1747, 402.

^o List of Adv. in
their Library, by W.
Aikman of Cairnie.
Arnot, Trials, 494.

An act passed^m 4th June 1746, to attain of high treason forty-three persons, among whom was Simon Fraser, Esq. son of Simon Fraser, Lord Lovat. He surrendered himself to Government, and was confined in Edinburgh Castle from November 1746 to the 15th of August 1747, when he set out for Glasgow, in which city he was to remain during the King's pleasure.ⁿ A full and free pardon passed the seals for him, in April 1750, and every act of his future life justified the favour of Government. He entered advocate 25th July 1752,^o and was one of the counsel for the prosecution in the disgraceful trial of James Stewart of Aucharn, for the murder of Colin Campbell of Glenure, the only case in which a Justice-General and a Lord Advocate assisted. The sentiments of the crown counsel, on that occasion, can neither be defended nor justified.

An offer of a regiment in the French service was soon after made to Mr Fraser, but refused. His inclinations leading to a military life, he desired leave to be employed in the British army; raised in 1757, a regiment of 1800 men, of which he was constituted Colonel, 5th January 1757; went at their head to America, and highly distinguished himself at Louisbourg and Quebec, where his regiment suffered severely.^p He was a Brigadier-General in the forces sent to Portugal 1762, to defend that kingdom against the Spaniards. He was afterwards appointed Colonel of the 71st regiment of foot, which performed eminent services during the American war.

^p Doug. Peer. II.
161. Colonel
Stewart's Sketches
of Highlands, II.
p. 43.

At the general election in 1761, he was chosen Member of Parliament for the county of Inverness, during his absence in America, and was constantly re-chosen till his death. When ministry restored, by ^a general acts, the estates of many of the forfeited families, the services of General Fraser were deemed worthy of a *particular mark of grace*, and he alone was gratified by a special act of parliament, prior by ten years to all the others. In 1774, was passed an act to enable his Majesty to grant unto Major-General Simon Fraser the lands and estate of the late Simon, Lord Lovat, upon certain terms and conditions,^r reciting, “that whereas, before the attainder of Simon, late Lord Lovat, his estate was settled by a deed of entail, which coming to be tried by the Court of Session in Scotland, the estate was determined to be forfeited by a majority of one voice, and that judgment was not appealed from: And whereas, in 1747, proof was brought before Parliament, of the means used to involve Simon Fraser, eldest son of the said Simon, Lord Lovat, in the late unnatural rebellion, at a tender age; and the said Simon Fraser, ever since he was capable of acting for himself, hath testified his loyalty to his Majesty and the royal family, and proved the sense he entertained of the excellence of the happy constitution of this country, by declining to engage in the service of a foreign state, though destitute of any establishment here; and by dedicating himself to the service of his country, at the beginning of the late war, upon which occasion, he raised, in a very short time, a large body of men, and commanded a regiment composed of them, with which he served meritoriously during the course of it; and was the first who offered to set that example, which in its consequences proved advantageous to the state, by calling forth from a corner of the kingdom many thousand soldiers, whose efforts to demonstrate their zeal and attachment to his Majesty’s royal person and government, contributed to the glory and success of that war: And whereas the said Simon Fraser hath, in the course of his service, attained the rank of Major-General in his Majesty’s army, and since the peace, hath been employed, by his Majesty’s command, in the service of a power whose alliance this country hath always deemed important,” it was, by that act, declared lawful

^a 24 Geo. III. c. 57.
35 Geo. III. c. 70.

^r Act 14th Geo.
III. c. 22.

for the King to grant to the said *Simon Fraser*, all the lands, lordships, baronies, patronages &c. forfeited by the attainder of his father, subject to the payment of £20,983 Sterling. By deed of entail, dated 16th May, and registered at Edinburgh the 18th June and 28th July 1774, the whole lands and estates so restored, were settled, in default of heirs of his own body, upon the Honourable Archibald Fraser, his brother, and in default of him and his heirs, on the male branches of the Frasers, therein enumerated.

General Fraser married Miss Bristow, an English lady, who is still living, (1825.) He died in Downing Street, London, 8th February 1782, [†] being then a Lieutenant-General in the army, and Colonel of the 71st regiment of foot, without issue.

His immediate younger brother Alexander, baptised 1st July 1729, [†] was a Brigadier-General in the Dutch service, and died at Dumnaglass, near Farraline, ^u 7th August 1762, a bachelor, and was buried at Kirkhill. He left no issue whatever. ^v By his decease, the succession to the estate, under General Fraser's deed of entail, opened to his brother consanguinean.

XX.—THE HONOURABLE ARCHIBALD CAMPBELL FRASER,

born ^w in August 1736, who served heir to his brother Simon, 5th August 1782. ^x This gentleman was at school at the village of Petty, near Inverness, when the battle of Culloden was fought, and venturing, in the spirit of childish curiosity, with a companion, rather nearer the scene of action than was consistent with prudence, narrowly escaped from the dragoons, who scoured the moor after the fight.

In early life he assumed the name of Fitz-Simon, and distinguished himself in the sporting world. ^y His attention was also for some time directed to mercantile pursuits. When the celebrated Bruce arrived ^z at Tripoli, he found Mr Fraser acting as British consul, and speaks in grateful terms of the attentions he experienced at his hands. He was appointed Consul at Algiers in 1766; ^a and we learn from General Fraser's deed of entail, that he continued to act in that capacity in 1774.

[†] Doug. Peer. II. 161.

[†] Baptismal Register of Kiltarlthy.

^u Doug. Peer. II. 161. Deposition of Miss Marjory Fraser, 24th March 1823, in Family Archives.

^v Deposition of John Fraser, 20th August 1823, in Family Archives. Deposition of Simon, natural Son of Lord Lovat, 15th October 1823.

^w Baptismal Register of Kiltarlthy.

^x Charter Chest of Lovat.

^y See Sporting Magazine.

^z Travels to Abyssinia.

^a Doug. Peer. Vol. II. 161.

The Honourable Archibald Fraser married, in 1763, Jane Fraser, daughter of William Fraser Esq., and sister of Sir William Fraser of Leadclune, Baronet, by whom he had five sons :

1. John Simon Frederick, M. P. for the county of Inverness, 1796, died 6th April 1803, ætat. 38.

2. ^b Archibald, born in Edinburgh, died 1792.

3. Henry Emo, born in Algiers, died 25th August 1782.

4. George, died an infant, 1781.

5. William Henry, died 25th February 1801.

The Honourable Archibald Fraser was chosen Member of Parliament for the county of Inverness, 1782.

He commanded, till his death, the first regiment of Inverness-shire local militia, and was ordinarily addressed by the salutation of "Colonel."

Colonel Fraser possessed talents of no ordinary standard. To a knowledge of letters, he added an intimate acquaintance with the world. He had spent a considerable portion of his life in the first circles, both at home and abroad, and many yet look back to him as the *beau ideal* of a gentleman of the old school. That eccentricities of character displayed themselves, cannot be denied ; but they will be forgotten in the remembrance of his varied qualities. Several years before his death, Colonel Fraser placed a monumental tablet in the old church, or chapel of Kirkhill, where it still remains, with this inscription :

This Stone is erected to the Memory of
The Honourable A. C. FRASER,
Lord of BEAUFORT, ABERTARFF and LOVETH,
Soldier,—Mac Shimi, 38,
Nephew
To John Duke of Argyle,
Godson
To Archibald Duke of Argyle.

A. D. MDCCLXIV.

While upon a diplomatic mission to the Mahomedan States of Africa, he, by order of his most sacred Majesty George III., effected a peace between these States, the Kingdom of Denmark, and the Republic of Venice.

He procured indemnification from the empire

^b Vide Note, p. 14.
No. 4. Chambers' Traditions of Edinburgh.

of Russia, for depredations committed on the British Flag; and during his ten years stay in those countries, he, by his King's permission, redeemed Spanish, Portuguese and Imperial subjects, at the expence to those countries of two millions sterling, while not a single Briton was sold or taken into slavery.

A. D. MDCCLXXXII.

He co-operated with James, Duke of Montrose, in recovering to the Highlanders, the dress of their ancestors.

A. D. MDCCLXXXV.

He, at his own expence, and in person, surveyed the fisheries on the West Coast of Scotland and the Hebrides, and petitioned for a repeal of the duties on salt and coal. He encouraged the manufacture of coarse wool, hemp, and flax; he laboured to improve the soil; he amended the breed of Highland oxen, and broke them in for harness. He meliorated the dairies, and by affording employment to a hardy race of men, returned from serving their country in the wars, he repressed emigration and preserved to his country, their equally valuable services in Peace.

A. D. MDCCXCII.

After quelling insurrection on the 10th of August, he planned the system of legally putting arms into the hands of men of property, and had, when the empire was threatened with invasion, the satisfaction of seeing its adoption and efficacy.

Born 16th August 1736; died 8th December 1815.

Colonel Fraser had the misfortune to out-live all his children. His eldest son died at Lisbon, from the fatigues encountered, it is believed,

as Colonel of the Fraser Fencibles, in suppressing the Irish rebellion. He never married, but left one son, his only child; none of the other children of the Honourable Colonel Archibald C. Fraser had any issue.

The Honourable Colonel A. Fraser having acquired the estate of Abertarff, executed a disposition and deed of entail of the same, dated 15th August 1808, the destination of which is as follows: "I have given, granted and disposed, as I do hereby give, grant and dispose from me, my heirs and successors, to and in favour of the *nearest legitimate male issue of my ancestor Hugh, Lord Fraser of Lovat; namely, Thomas Alexander Fraser of Strichen*, being the nearest lawful heir-male of the deceased Alexander Fraser of Strichen, and his heirs-male; whom failing, &c., to and in favour of the person who shall be then able to prove himself to be the chief of the clan Fraser, by legitimate descent from Hugh, first Lord Lovat, and his heirs-male; All and Whole the following parts and portions of the lands in Abertarff."

Colonel Fraser executed ten deeds of settlement of different dates.

On the 26th July, 1811, he disposed to Sir Ilay Campbell, the Honourable Henry Erskine, advocate, and others, as his trustees, all and sundry lands and heritages belonging, or which should belong to him at the time of his death, the estate of *Abertarff* being expressly mentioned. One of the purposes of the trust is declared to be, "*9thly*, To settle the estate of *Abertarff*, and the whole *unentailed* property belonging to the granter, undisposed of, for the purposes of the trust, by proper conveyances, containing irritant and resolute clauses, upon the nearest legitimate male issue of my ancestor, Hugh, Lord Fraser of Lovat; *namely*, the nearest lawful heir-male of Alexander Fraser, late of Strichen, and his heirs-male."

Colonel Fraser made a subsequent disposition and deed of entail, on 2d July, 1812, upon this narrative: "Whereas I, some years ago, executed a disposition and deed of entail of my lands and estate of *Abertarff*, &c. and of certain other lands belonging to me, which bears date the day of 18 * years; And whereas, by the said deed, there is full power and liberty reserved

* Blank in the Instrument.

to me to alter the same ; and being resolved to execute the said faculty in manner and to the extent underwritten, therefore I have nominated and appointed, as I do hereby nominate and appoint, Thomas Frederick Fraser, my grandson, presently residing with his tutor, Dr Bentley, of the King's College, Aberdeen, and the heirs-male of his body, to succeed to my said lands and estate, immediately after myself and the heirs of my own body ; *whom failing, to the persons named as heirs and substitutes in the said deed of entail, in the order therein mentioned.*"

A law-suit arose between Thomas Alexander Fraser, Esq. of Lovat, and Archibald Thomas Frederick Fraser, Esq. on the import of these settlements ; and the question was, Whether the latter was entitled to hold the properties conveyed to him by his grand-father in fee-simple, or under entail ? The Court of Session, on the 14th May, 1824, found that the lands must be possessed under the limitations of an entail.^c

^c Shaw and Dunlop's Reports, Vol. III. Part I. p. 14. No. 13.

INVERALLO- CHY BRANCH.

^a 16th May 1774.

The male descendants of Hugh, 9th Lord, being extinct, by the decease of the Honourable Archibald Fraser, without lawful issue, the succession, both by blood, and agreeably to the destination in General Fraser's entail,^a reverted to the Inverallochy family, as descended from Simon, 8th Lord, and as nearest collateral male branch of the house of Lovat. No males of this line remained to benefit by the succession. This is established by the following evidence. It will be remembered, that Simon, 8th Lord, was succeeded in the title by his first-born, Hugh. Sir Simon Fraser, by Lady Jane Stewart, his *second* wife, was the eldest of *that* marriage, and founder of the Inverallochy family. He received a charter of Inverallochy, 20th December, 1616.* ^c The following notices exist regarding him.

^a In Charter Chest of Fraser of Castle Fraser.

1. *Simon*, second son of Simon, 8th Lord Lovat, went south with his father and mother, in the summer of 1616, to pay their respects to his

* The lands of Inverallochy of old belonged to the family of Cumming, as appears by documents in the charter chest at Strichen.

Majesty, James VI. on his return to his native country, when he held a Parliament at Edinburgh, at which Lord Lovat assisted. Simon was but 19 years old, and was knighted at the palace of Holyrood, as was his brother James, then entering on his 7th year.^f

^f MSS. of Frasers in Advocates' Lib. 305.

On their return to the Highlands, Sir Simon married Jane Moncrieff, daughter of Sir William Moncrieff, of that ilk.^g The house of Bunchrew was given him by his father, for his residence. He afterwards lived about two years at Inverallochy, but subsequently returned to Inverness-shire. In the year 1620,^h Sir Simon and his lady having accompanied his father and mother to Castle Stewart, Sir Simon became so ill as to render a journey to Lovat impossible. He was therefore brought to Dalcross.* Here he was confined to his chamber, under the care of a physician, for several months, when he died, universally lamented. His relatives intended to have buried him with his ancestors at Beaulieu; but the river Ness having swollen to an unusual height, and broken down the bridge, there was no possibility of transporting, with safety, the immense multitude who attended the funeral. Lord Lovat, by permission of the Cummings, had him interred in St Catharine aisle, within Rood church, Inverness, where an elegant monument was erected to his memory. His mother did not long survive him. She died at Bunchrew, and was interred, by her own desire, beside her son.

^g Ibid. Wardlaw MSS. and Charter of Inverallochy.

^h Both MSS. *ut supra*.

II. *Simon Fraser*, son of the preceding Inverallochy, served heir to his father, Sir Simon, 18th February, 1635.ⁱ

ⁱ Inq. Ret. Lib. XIV. fo. 102.

III. *Simon Fraser*, served heir in special to his grand-father, Sir Simon, 3d May, 1659.^k

^k Ibid. XXV. fo. 187.

* The castle of Dalcross was built in 1620, by Lord Lovat. The property had long been in the family. It afterwards came to Sir James Fraser of Brea, who gave it as a marriage portion with his daughter, Jean, to Major Batemen. The Major sold it to James Roy Dunbar, bailie of Inverness, from whom M^cIntosh of M^cIntosh purchased it in 1702. Dalcross was a vicarage, depending on the Priory of Urquhart, and, in 1343, there was an agreement between the Prior and the Baron of Kilravock, that the Vicar of Dean-an-Ross, now Dalcross, should officiate in the private chapel of Kilravock.—*Shaw*, 355.

IV. *Alexander Fraser*, served heir to his father, Simon, in the lands of Inverallochy, 7th October, 1696.¹

¹ Sheriff Court Records of Aberdeen.

V. *William Fraser*, of Inverallochy, served heir in special to his brother-german, Alexander, 23d November, 1698.^m

^m Ibid. and Inq. Ret.

VI. *Charles Fraser*, served heir to his brother-german, William Fraser of Inverallochy, 30th August, 1749.ⁿ Charles Fraser, *junior*, of Inverallochy, was killed at the battle of Culloden, 16th April, 1746.^o

ⁿ Sheriff Court Records of Aberdeen.

^o Culloden Papers, p. 473. Home's Hist. of the Rebellion.

VII. *William Fraser*, of Inverallochy, served heir to his father, Charles Fraser, 13th February, 1789.^p

^p Sheriff Court Records of Aberdeen.

VIII. Mrs Martha Fraser, or M^cKenzie, relict of Colin M^cKenzie of Kilcoy, and Elizabeth Fraser, daughters of the deceased Charles Fraser, served heirs-portioners in special to William Fraser of Inverallochy, thereafter William Udney of Udney, Esq. their brother-german, in the barony of Inverallochy, 6th February, 1793.^q

^q Sheriff Court Records of Aberdeen.

The failure of the Inverallochy branch is corroborated by additional proof. Simon Fraser of Inverallochy, grandson of Sir Simon, in an edict of curatory at his instance, dated 22d December, 1658, calls Alexander Fraser, Tutor of Lovat, and Thomas of Beaufort, his brother, as *his nearest of kin* on the father's side.^r Again, on the 1st of April, 1698, in an edict of curatory, at the instance of William Fraser of Inverallochy, Charles, Lord Fraser,^{*} and Alexander Fraser of Strichen, are cited as *his nearest of kin* on the father's side, and John, Earl of Mar, and Alexander, Lord Pitsligo, his nearest of kin on the mother's side.^s These edicts shew, that the previous male branches must have failed, since they would unquestionably have been nearer in kin than either of the persons cited.

^r Ibid. Extracts in Lovat Charter Chest.

^s Ibid.

* The family of Lord Fraser were raised to the peerage by Charles I., A.D. 1633. Charles, Lord Fraser, was tried for high treason, 26th March 1693, for proclaiming King James at the market-cross of Fraserburgh, in the month of June or July, 1692. The title became extinct by his dying without issue. The Jury found it not proven that he proclaimed King James, or the pretended Prince of Wales, but that he was present at the proclamation, and that he drank King James's health. The Court fined him in L.200,—*Arnot's Criminal Trials*, 75.

It now remains to trace the male descendants of the youngest son of the 8th Lord, viz. of Sir *James Fraser* of Brea.

He was born in the year 1610, and married Beatrix Wemyss, daughter of the Laird of Wemyss, in Fife.[†] Dame Beatrix Wemyss, Lady Brea, discharges Alexander Fraser, servitor to the tutor of Strichen, of custom wedders of Moniack, 1647.[‡] Sir James is represented as a man well qualified for business, by a liberal education, both at home and abroad, but inordinately ambitious. During the civil commotions of the period, he acted a keen part against the Royalists; and, by his influence and authority, was of eminent service to the Parliamentary interest. He was Governor of Inverness when besieged by Montrose, and obtained a grant of £10,000 for the losses sustained by the Lovat tenantry from the inroads of that nobleman's forces. He died at Lovat, upon the 6th of December, 1649, when entering his 40th year.[§] Great military honours were paid to his remains. He left but one son,*

BREA
BRANCH.

† Wardlaw MSS.
MSS. of Frasers in
Ad. Lib. Charter
of Inverallochy.

‡ Charter Chest at
Strichen.

§ Wardlaw MSS.
and MSS. of
Frasers in Ad. Lib.
p. 374.

¶ Wardlaw MSS.

James Fraser, minister of Culross,[¶] and subsequently of Inverness, who died before his induction to the latter place. The lands of Brea, which had been appraised from Sir James Fraser, became the property of Hector Monro of Obsdale, who conveyed them to James Fraser, "son and heir" of the said Sir James, by disposition, dated 29th March, 1671.[×] He married

Gray, by whom he had two daughters[‡]

× Charter Chest of
M'Kenzie of
Newhall.

‡ Wardlaw MSS.

* Sir James Fraser's eldest daughter married Major Bateman, who got Dalcross as her marriage portion.* No issue came of this match.†

* Hist. of Moray,
137.

The second married Hector Monro of Drummond, brother of Monro of Foulis, and had one daughter married to David Cuthbert of Drakies.

† Wardlaw MSS.

A third daughter married M'Kay.

A fourth, Magdalene, married George Cuthbert of Castlehill.

The fifth daughter wedded David Cuthbert, brother to Castlehill, had no issue.‡

‡ Ibid.

The extinction of the male heirs of Sir James Fraser, being all that was called for in serving the present Lovat heir-male of the Lords Lovat, it was thought inadvisable to clog the family tree, laid before the Jury, with these daughters. The Wardlaw MSS. has this memorandum: "*Nota*, Brea is away from Sir James's heirs, and therewith his memory, having no issue male to represent him."

1. *Jean*, married to Hugh Rose of Kilravock, 1698.

2. , said to have married Burnet, minister of Falkirk.

Of the marriage of Hugh Rose and Jean Fraser, there was but one son,

James Rose. A summons of exhibition, at the instance of “ James Rose, only child in life procreat betwixt Hugh Rose of Kilravock and Mrs Jean Fraser, eldest lawful daughter to Mr James Fraser of Brea,” sets forth, that, by contract of marriage between his said father and mother, the said Hugh Rose, in consideration of the tocher acquired by his wife, obliged himself (should there be but *one* son existing of the said marriage who should attain to the age of 21 years complete), to make payment to such son of the sum of 20,000 merks Scots, and also to assign him into all lands, tenements, and other subjects to be acquired by *conquest* during the marriage. The pursuer, being the “ only son and “ child of the marriage” then in life, and having attained to the age of 28 years, concludes against his father for payment of the 20,000 merks, and for conveyance to him of the lands of Brea, Craighouse, Cullicudden, Crochiels and others, conquest acquired by the said Hugh Rose from the said James Fraser of Brea. Summons dated and signeted 28th and 29th September, 1726.^z

^z Original with Author.

The extinction of the *male* heirs of Sir James Fraser is here apparent, James Rose, in right of his mother, becoming proprietor of Brea. The fact is further shewn by the edict in April 1698,^a of William Fraser of Inverallochy, wherein Alexander Fraser of Strichen is styled one of the nearest-in-kin on the father’s side, which would not have been the case, had any of the male descendants of Sir James Fraser of Brea been alive, for they would have been nearer than the family of Strichen. Besides, in the entail of General Fraser in 1774, and particularly in the settlements of the Honourable Archibald Fraser in 1808 and 1811, the male descendants of Sir James Fraser would, to a certainty, have been called

^a Sheriff Court Records of Aberdeen.

to the succession before the remoter branches of Strichen, Struie, Belladrum and Farraline, since the object of these deeds was to preserve the estate in the direct male line, by substituting the heirs according to their propinquity. This is expressly avowed by the Honourable Archibald Fraser.—Finally, there is no trace in any record or peerage book, of more than one son of Sir James. On the contrary, it is stated that he had only female issue, and that the eldest daughter got the estate of Brea.

CHAPTER IV.

STRICHEN
BRANCH.

HUGH, Seventh Lord Lovat, had but one son, it will be remembered, who succeeded him in the title.* On the failure of the intermediate branches between him and the ninth Lord, the succession went back to Alexander, sixth Lord, and settled upon his younger children, the eldest and his issue being extinct.

Alexander, sixth Lord, had two sons, besides his heir, Hugh, seventh Lord, viz. :—

2. Thomas of Knockie, afterwards of Strichen.
3. James, of Ardochy.

1st, STRICHEN.

That Thomas was the second son, is proved by the original charter of Meikle Ballythayrnack and Knockie, granted by Alexander, Lord Lovat “ filio nostro Thomæ Fraser, et hæredibus suis masculis de corpore suo legit. procreandis ; quibus forte deficient. Jacobo Fraser filio nostro *Juniori* et hæredibus suis masculis de corpore suo legitime procreand.” dated 24th September 1557.^a

^a Original in
Charter Chest at
Strichen.

^b Vol. II. p. 157.

2dly, By Douglas peerage.^b

3dly, In Douglas baronage, “ Rose of Kilravock, thirteenth baron,” it is stated that this Thomas Fraser was second son of Lord Lovat.^c

^c 455.

* The Genealogical Tree, laid before the Jury on the services of the present Lord Lovat, in November 1823, was purposely confined to the direct *male* line of the Strichens, which carried on the succession. In the notices of the collaterals of that house, male or female, the author has been at pains to disregard any whose identity is not vouched by satisfactory evidence.

4th, There exists a contract between Thomas Fraser of Knockie, *tutor of Lovat*, and Henry Lindsay, 22d May 1585.^d “The Scots acts^e call him Sir Thomas Fraser, and also state him to have been *tutor* of Lovat, so do the Justiciary records;”^f of course he was older than his brother James.

^d Charter Chest of Strichen.

^e 1560.

^f Justiciary Records, 1576.

5th, Thomas Fraser of Knockie was retoured tutor at law to Simon, Lord Lovat, 18th March 1576.

Thomas Fraser of Knockie was in the active discharge of his duties as tutor to his nephew, Simon, Lord Lovat,^g when the widow of Thomas Fraser, son of Philorth, entreated his assistance against the family of Gordon. This lady, by name Isabel, daughter of Forbes of Corfurdie,^h had taken as her first husband William Chalmers of Strichen. This person's elder brother, George Chalmers, had been long abroad, and there was little chance of his returning. William died in the possession of the estate. His widow sometime after married Thomas Fraser, son of Philorth, who assumed the title of “Strichen.” But the old proprietors, unwilling to part with their inheritance, threatened to dispossess him; and their disputes led to several fruitless conferences. The Chalmers, in their necessity, had recourse to Gordon of Gight. He and Fraser met at Old Deer, in the hopes of effecting a compromise, but the overtures of either party meeting with contempt, Gordon, in a rage, followed after Fraser, and coming behind him at the Bridge of Dee, laid him dead with one blow of his two handed sword.*

^g MSS. of Strichen Family, and Ward-law MSS.

^h Ibid.

ⁱ To avenge her cause, Isabel Forbes, now for the second time a widow, detailed her woes to Thomas Fraser of *Knocky*. He listened to her complaints, used all his interest in her behalf, and in spite of the opposi-

ⁱ Both MSS. *ut supra*,

* Basket-hilted swords had their origin among the Scots the latter part of Elizabeth's reign. The most ancient form was the *claymore*, or great two-handed sword used by the Highlanders; while that adopted by them more recently, was the *claybeg*, or little sword. When the two-handed sword was disused, the distinction ceased; and the Highlanders being the only persons who went armed in later times, the smaller sword got the peculiar appellation of the “Highland broad-sword” or *claymore*.*

* Meyrick's Ancient Armour, 358.

tion of the Earl of Huntly himself, had Gight, his kinsman, condemned; but ultimately released him on paying 5000 merks as an assythment for the murder.^k Gight was afterwards killed at the battle of Glenlivet. It was Knockie's turn to play the suitor, and the lady, in gratitude for his services, became again a wife. Her husband, to prevent future disputes, bought up the claims of the family of Chalmers.^l

His next business was to arrange matters with the daughters of his wife's former husband, Thomas Fraser. On his death, which happened 24th December 1576,^m his widow enjoyed the liferent of his estate, the fee being provided to the children of the marriage, as appears by a crown charter, "Thomæ Fraser de Strichen et Isabellæ Forbes, ejus conjugii," dated 8th October 1573,ⁿ on which seisin passes 5th November 1573.^o

A gift of the ward, marriage, relief and non-entry of the lawful heirs of Thomas Fraser of Strichen, is made by his Majesty to Alexander Hay, clerk-registrar; who assigns the same, "with hail effects thereof,"

to Alexander Fraser of Philorth, on the 13th January 1578.^p

To effect the arrangements he had in view, Thomas Fraser (*of Knocky*) entered into a solemn contract with Catharine and Violet Frasers, the heirs of his wife's second marriage, on the one part, and Alexander Fraser of Philorth, the donator to the ward, marriage, non-entry and relief of the same, Catharine and Violet on the other part, on the narrative, "For sae mickle as y^e said Catharine and Violet are now in perfyt yeiris to be married, and they cannot guidly be provyded according to thair rankes in honourable marriagis, be reason ye said Isobel Forbes, thair mother, is liferenter of thair hail landis and of young zeiris, sua that restis little or nathing quhairwth they may be public tocherit, exceptit the expectation of thair landis after ye deceis of thair said mother," they therefore became bound, with consent of Alexander Fraser, to serve heirs to their deceased father in the lands of Strichen, and immediately thereafter to divest of the same in favour of their father-in-law, "and his heirs-male lawfully gotten, or to be gotten between him and the said Isabel Forbes their mother, whom failing to his heirs and assignees whomsoever;" and in respect Violet was a minor she was to choose

^k Shaw. 223.

^l Inventory of Title Deeds, at Strichen.

^m So mentioned in Original Retour of his daughters, 1st September 1589, in Charter Chest at Strichen.

ⁿ Reg. Mag. Sig. Lib. XXXIV. No. 6.

^o Original in Charter Chest at Strichen.

^p Titles of Strichen.

curators, and have her engagements approved of. In consideration of these stipulations, Alexander Fraser was to be paid 12,000 merks for the transfer of his rights; Catharine accepted the sum of 5000 merks Scots, "for tochering and providing of her to an honourable marriage," and Violet Fraser 3500 merks, "for advancement of her to the lyke marriage and lyfe; and ye saidis Thomas and Isobel obligis yem and yer foresaids, to hon'ble sustene in meit and clayth the said Katharine and Violat until their lawful marigis."—Contract dated 8th August 1589, and registered at Edinburgh day of June 1615.^q A decreet of the Sheriff of Aberdeen, dated 23d August 1589, finds that the selling of the lands of Strichen by the young ladies, is profitable to them.^r

^q Extract in Records at Strichen.

^r Inventory of Titles of Strichen.

In fulfilment of their engagement, Catharine and Violet Frasers served heirs to their father on the 1st of September 1589, were infeft,^s and by a charter dated the 10th day of the same month and year, they for ever disposed, with consent of Violet's curators, to Thomas "Fraser of Knockie," the whole lands and barony of Strichen.^t He was infeft accordingly, 13th September 1589, and thereafter assumed the name of "Fraser of Knockie and Baron of Strichen," or "Fraser of Knockie and Strichen."^{*}

^s Charter Chest at Strichen.

^t Original at Strichen.

To prevent the possibility of challenging his rights, Thomas Fraser obtained a ratification from Violet Fraser and her curators, of her conveyance to him, got both sisters to concur in a resignation of the estate in his favour, and thereupon expedite a crown charter, and was infeft in the whole barony of Strichen, 8th December 1591.^u But, as still apprehensive of danger, a judicial ratification by Catharine and Violet Frasers after majority, ratified by decree of their ages, was demanded by Thomas

^u Charter Chest at Strichen.

* In the original discharge by Violet Fraser, of part of her portion, he is designed "ane honourable man, Thomas Fraser, now of Strichen, her father-in-law." "Thomas Fraser, of Strechyn, son and heir of umquhile Thomas Fraser of Knockie and Strichin," inhibits Catharine Fraser and William Forbes of Corsinday, her husband, 22d February 1614. In an original contract, in 1595, Knockie is styled, "now Baron of Strichen." All these documents are among the family papers.

Fraser; was acquiesced in; and his right to the estate of Strichen incontestibly acknowledged by a deed under Violet Fraser's own hand, in December 1593.

^v Marriage Contract in Records at Strichen.

Catharine Fraser was married to William Forbes of Corsinday, with the consent of her mother, father-in-law, and other friends, in 1592.^v Violet Fraser espoused James Sutherland of Duffus; contract of marriage dated 6th and 9th December 1593. Alexander Fraser discharges Thomas Fraser of Knockie, of £200 Scots, in full payment of his assignation to the ward and relief of Catharine and Violet Frasers, 16th August 1590. Violet Fraser discharges part of her tocher, 30th May 1592, and a full discharge for the whole, being 3500 merks, is granted by her and her husband, 10th May 1594. William Forbes of Corsinday, and Catharine Fraser, discharge Thomas Fraser of Knockie of 5000 merks, being the whole tocher agreed to be paid her, March 1595.^w

^w Charter Chest at Strichen.

Thomas Fraser received the following charters and writs, among many others too numerous for insertion here:

^x Records at Strichen.

^x Charter of the lands of Urquhany and Fairlie, by Hugh, Lord Lovat, in favour of his brother, Thomas Fraser of Knockie, 5th November 1575, holding *a me*;—gift to Thomas Fraser, brother-german to Hugh, Lord Lovat, of the ward and non-entry duties of Strathglass and others;^y—tack by the parson and vicar of Bonacht, of the teinds, to Thomas Fraser of Knockie, 1580; and tack by the Vicar of Abertarff of his teinds, 31st March 1580;—charter of Wester Kinnylies, by Simon Lord Lovat, to Thomas Fraser and his spouse, on which they were infest, 15th May 1588. By another deed, Simon, Lord Lovat, exempts his uncle Thomas Fraser, and his tenants, *from his Lordship's jurisdiction* in Inverness-shire.

^y 16th February 1576.

Charter of Ballicherinock, 27th November 1588, by Simon, Lord Fraser of Lovat; and charter of Ballicherinock, Knockie, Urquhany and Fairlie, to Thomas Fraser of Strichen, and Isabel Forbes, his spouse, by Simon, Lord Fraser of Lovat, 26th February 1600.

Thomas Fraser executed a testament in 1606, thus entitled, “ Thomas Fraser of Streachen, his advice and counsel to Thomas Fraser, younger

his sone, to be prosecut be him in caice it pleis God that he happen to be the longest levar." By Isabel Forbes, who predeceased her consort on 30th November 1611, ^a and was buried at Beaully, ^a he had issue :

1. Thomas.

1. Jean, documented in an instrument of resignation of Ballicherinock, Knockie, Dallocappil, Urquhanie and Fairlie, by *Jean* Fraser, and her husband Sir James Stuart, Knight, in favour of Thomas Fraser of Strichen, her father, 3d May 1606; also in a charter of the same lands by Simon, Lord Lovat, the Quequidem of which narrates, that the lands formerly belonged to *Jean* Fraser, *eldest* lawful daughter of Thomas Fraser, and Isabel Forbes his spouse; ^b and wife of James Stewart of Newton, knight.

2. Magdalene. She appears in a charter of the two part lands of Saithly, by Thomas Fraser of Knockie, and Isobel Forbes, in favour of *Magdalene* Fraser, their second daughter, 24th October 1593. ^c Perhaps she is the Magdalene, daughter of Strichen, who is said to have been married to Hugh, ninth Laird of Kilravock. ^d Indeed, the point is settled by M^cFarlane, who says that Magdalene, daughter of Thomas Fraser of Strichen, (tutor of Lovat, second son of Lord Lovat,) and Isabel Forbes, married Hugh, twelfth Laird of Kilravock. ^e

Thomas Fraser died, at Inverness, upon the 2d of October 1612, ^f in his 67th year, and was succeeded by his son,

^a Family Title-Deeds.

^a MSS. of Strichen Frasers.

^b Family Records at Strichen.

^c Ibid.

^d Shaw's Moray 120.

^e M^cFarlane Collection MSS. Ad. Lib. Vol. II. p. 437.

^f Date in service of his Son, MSS. of Strichen Family.

THOMAS. ^g He served heir to his father, in the estate of Strichen, 31st October 1612, ^h was infeft in the barony of Strichen, on precept from Chancery, 10th November 1612, ⁱ and had precept of *clare constat* from Simon Lord Lovat, as heir to his father in the lands of Ballicherinock, Knockie and others, 10th December 1612. By contract of marriage, ^k dated in June 1606, Thomas Fraser, "sone and appeirand air" of Thomas Fraser of Strichen and Isabel Forbes, was to take to wife Christian Forbes, eldest daughter of William Forbes of Tolquhoun, and to solemnize the marriage before the 1st day of August thereafter. The bride's dowery was 8000 merks Scots, to be paid by her father to the father of

2d STRICHEN.

^g MSS. of Strichen Family.

^h Extract in Charter Chest at Strichen.

ⁱ Charter Chest at Strichen.

^k Ibid.

the bridegroom, “within the parochie kirk of Elgyne,” by equal halves, on 9th November 1606, and 22d May 1607. The parents of both parties are principals to the contract, and Thomas Fraser, the *father*, becomes bound to infest the young couple in fee of the estate of Strichen, reserving the liferent to himself and spouse. He likewise lets to his son and his intended bride, the lands of Moniack, in the lordship of Lovat, and the lands of Knockie, in the parish of Abertarff, and sherifflom of Inverness, for payment of a penny Scots annually. Simon, Lord Lovat, gives a tack of the lands of Wester Moniack to Thomas Fraser of Strichen, 17th October, 1616, on which infestment follows, 23d October same year.

A Crown charter is granted to Thomas Fraser of Strichen, upon his own resignation, dated 10th March 1618, destining the barony of Strichen to him and his heirs-male, with the burden of a liferent to Christian Forbes, his spouse; and sasine follows thereon, 6th June 1618.¹

¹ Original in Charter Chest at Strichen.

Thomas Fraser got another charter to him and his said wife, “dimidiat. villæ et terrarum de Easter Moniack,” in Inverness-shire, 11th July 1622.^m Also a charter, “Thomæ Fraser de Strichen, dimidiat. terrarum de Moniack cum jure patronatus Ecclesiaram de Inverness et Bonachie,” 24th June 1624.ⁿ

^m Reg. Mag. Sig. Lib. L. No. 53.

ⁿ Ibid. No. 327.

The lands and castle of Moniack were long the property of the family of Strichen, and continued in their possession till a comparatively late period.^o

^o Shaw, and Trial of Simon Lord Lovat, 1695, MS. Records of Justiciary, Signet Library.

^p Records at Strichen.

A contract of marriage was entered into, 4th November 1628,^p between Thomas Fraser, “Elder of Strichen,” as taking burden on him for “Thomas Fraser, his eldest lawful son and appearand aire;” and by his son, for himself, on the one part, and Alexander Forbes, of Pitsligo, as taking burden on him for his sister Christian Forbes, and by the said Christian, on the other part, whereby, in contemplation of the marriage between his son and Christian Forbes, and of her tocher of 14,400 merks Scots, to be paid by Pitsligo, the said Thomas Fraser, “elder,” disposes in favour of his son and his future spouse, and the heirs-male

of the marriage, the whole lands and barony of Strichen; and, for the better accommodation of his son and his wife, he further “ Binds him, with all convenient diligens, to big, or cause be biggit, upon the mains of Kindrocht, qr. the same sal be found maist commodious, ane sufficient house of stean and lyme, w^t hall and chalmers for ther present easment, to be theikit for the present wi^t dovettis, bot sall be obligit to cause slait the same within three zeiris.” Thomas Fraser died in March 1645.^a

^a Date in Service of his Grandson.

He married, for the second time, Lady Margaret M^cLeod, Lady Car-gach, relict of Sir Rory M^cKenzie.—Contract of marriage dated 4th August 1628.^r A liferent of the lands of Little Balechirinoch and Terrichernican, was granted by Thomas Fraser to his said spouse, the day after.^s

^r Records at Strichen.

^s Charter Chest of Bailie of Leys.

He appears to have had two sons,

1. Thomas.

2. Hugh, thus documented :

Contract betwixt the Laird of Strichen and his son Hugh, anent the discharge of his liferent of the lands of Tyrie and Forrest, 1640. *Obligation*, Hugh Fraser of Easter Tyrie, *second* son of Thomas Fraser of Strichen, to his father, relative to Moss of Menzie, 7th September 1643.^t

^t Records at Strichen.

THOMAS FRASER, “ heir-apparent” of Thomas Fraser of Strichen, and Christian Forbes, daughter of the “ deceased” John Forbes of Pit-sligo, “ his future spouse,” were infest in the lands and barony of Strichen, 5th November 1628,^u in fulfilment of their contract of marriage.

^u Part. Reg. Seis. Aberdeen, Vol. VI. fo. 304.

A charter of feu-farm is granted by Simon, Lord Lovat,^v to Thomas Fraser, *younger* of Strichen (his father was then alive), of the lands of Moniack, 17th February 1632; and tack by the same nobleman, to the same Thomas the “ Younger,” of the teind sheaves of Wester Moniack, of the same date.

^v Records at Strichen.

Thomas was succeeded by his son *Thomas*. He had likewise a daughter, Christian, married to Alexander Burnet, of Craigmill, as appears by their marriage-contract, dated 5th June 1649, and papers relating to the discharge of her tocher.^w

^w Records at Strichen.

4th STRICHEN. THOMAS, married Marion Irvine, daughter of Robert Irvine of Fedderat (contract of marriage dated in 1656;) and, upon the 15th January 1657, expedite a special service, as heir of his grand-father, Thomas Fraser of Strichen,^x in the lands of Strichen and Ballachragan, half of Easter Moniack, and patronage of Bona church, lands of Ballicherinloch, Dalachaple and Knockie, in the shire of Inverness, the half of the lands of Easter Moniack and patronage of Bona, "being holden immediately of his Highness, the Lord Protector of the Commonwealth."

^x Extract at Strichen.

^y Original in Charter Chest at Strichen.

After being infeft in the lands and barony of Strichen, on the 14th May 1657,^y in virtue of a precept from Chancery, in name of "Oliver Lord Protector of the Commonwealth of England, Scotland and Ireland," Thomas Fraser executed a procuratory of resignation, 7th August 1672, for new infeftment of the same, in favour of himself in life-rent, and of Alexander Fraser, his eldest lawful son, and his heirs-male, in fee, and for new infeftment of the lands of Kindrocht (a part of Strichen,) in favour of his spouse Marion Irvine, during her lifetime. A crown charter followed on this resignation, dated 19th November 1676.^z

^z Ibid.

5th STRICHEN. ALEXANDER, eldest son of Thomas Fraser and Marion Irvine, was infeft, along with his father and mother, each for their respective rights of fee and life-rent, on the precept in the Crown charter above mentioned. 30th March 1677. He received precept of *clare constat*, by the Earl of Mar, as heir to his father, of the two parts of Saithly, 16th January 1688, and was infeft on the 16th May following.^a

^a Records at Strichen.

He is said to have married,

1st, Cockburn, daughter of Cockburn of Ormiston.

2dly, Lady Emilia Stewart, second daughter of James Lord Doune, eldest son and apparent heir of Alexander, 6th Earl of Murray, by Lady Catharine Talmash. Their contract of marriage is dated in July 1697,^b and by her he had three sons,^c and one daughter,

Ibid.

^b MSS. of Strichen Frasers.

1. James.

2. Alexander.

3. Thomas.

1. Marion, married to Mr James Craig, advocate, Professor of Civil Law in the College of Edinburgh. Contract of marriage, dated 26th March 1715.^d

^d Records of Strichen.

JAMES FRASER, of Strichen, was served heir-in-general to his father, Alexander,^e as the eldest son of his marriage with Lady Emilia Stewart, on the 16th April 1702. He died without issue, and was succeeded by his brother,

6th STRICHEN.

^e Inq. Ret. Lib. XLIX. fo. 379.

ALEXANDER, as appears by the record of his service, as heir-in-general to his brother James, 14th August, 1725.^f He embraced the profession of the law, and was admitted a Lord of Session, June 5, 1730, and appointed a Lord of Justiciary, 1736. He held likewise the honourable office of General of the Scottish mint.^g

7th STRICHEN.

^f Inq. Ret. Lib. LIX. for 526.

His Lordship was infeft in the barony of Strichen, 4th May 1732, on Crown charter, dated 12th February 1732; and, upon the 5th February 1759, he executed a dispositionⁱ of the same lands and others in favour of himself, in liferent, and Alexander Fraser, "his only son, by the now deceased Ann, Countess of Bute, his spouse, in fee." To this lady Lord Strichen was married in 1731. Her first husband was grand-son to the celebrated Sir George Mackenzie of Rosehaugh, and, after an obstinate litigation, succeeded to his estates. A range of houses in the High Street of Edinburgh, of old denominated "Rosehaugh Close," were called after Lord Strichen, on his Lordship's occupying one of the houses, and they still retain his name.^k

^g Chambers's Traditions of Edinburgh, No. I. p. 91-2.

^h Sasine in Records at Strichen.
ⁱ Extract at Strichen.

^k Chambers's Traditions of Edinburgh, No. I. p.

The Countess of Bute appears to have been a woman of most amiable character. She exhibits a great deal of *esprit* in a lively correspondence with the Honourable Mrs Macneil of Ugadale, her intimate friend and relation. As any specimens of the epistolary intercourse of the *haut ton* of Scottish society, in the early part of last century, cannot but be interesting, the Countess's letters are here inserted, care having been taken to preserve the original orthography.

“ Edr. 21st Octr. 1731.

MY DEAREST PEGEY,

Since the time I receaved your's, I have had much bussness, and have, as I sepose you will have heard, dispatched some things of consequence, as I hope for my own happiness, and no disadvantage to ether my children or ther friends,—rether otherways. I am sure I could have marred non who have a more real regard for you then the gentilman I have choss. We often mind you and drink your health, as I conclude you doe ours.

The letters you wrote me was most diverting, but I must tell you your Camelton gentrey are no coungererrs, ore they would not tell such lyes. I asure you the intension of my marage was known to non, but so fare as I told my mother, it was a thing resolved one ; but for my brothers, I defer'd telling them till I could not helpt it, fearing they would not be pleased with my changing my condision one any terme's : but to shew you how pepel may be mistaken, my mother, who approved of the thing upon my first telling her (a year agoe), quite repented of her aprobaton, and would fain have made me give my friend the slipe when our engagement was equal to y^e priest's siremony, and my brothers, one the conterery, who's displeasur I only fear'd, went into the thing the minnet I told them of my resolution, in so much that they both have asur'd me that they aprove of my choise, that ther is non in Briton they would have bin so well pleased with, (to use ther own words). My sister Argyle writes me, that the Duke took the account of my resolution to marry in a most reasonable way, and as for my choise, thinks non could make any objections to it. I have bin att the more pains to write, because good Mrs Hails has spread twenty lyes with relation to my brothers carage (and aprobaton), upon my change of condision, for which I dont resolve to speack ore countenance her any more.

It was a strange accident befell Thom's son ; however, thess losses are easely maid up to one of Pegey's agge. I am of oppinion Tom will get

more bearns than ever he will take the caution to provid for ; but I imagin he will have his own hopes ; I shall doe him no harme that way, not being very young, and haveing had many childreen alredey, which may indid be to likly, yet since Lady * Delape had a daughter last sumer, I am resolved not to dispair till I am 50 ; since, without a mireckel, a woman may have a child till that age. We had very good company with your mammy last night. She said she would not dispair of airing an esteat yet ; if so, I need not be out of hopes."

From the Same to the Same.

" Edr. y^e 8th of Feb'. 1732.

" DEAREST PEGGY,

" Yours I receeved from Mrs Willey. You need not have had the lest uneaseness att my not writing oftener, because you know I own my being a bad correspondance in Edr. You write me no news of what all are doing with you, or how your littil boy dus. Perheapes your shy to tell me Tom's wife is in the way to increace his familey ; tho, as old as they were willing to beleave me, I hope to disipoint thir expectation, and leave him, not only to beget, but provid his childreen.

" For neus I have non but what possible you have heard befor. Earle Murray's instalment is over, and was most magnifisent, the particulers I refer you to the publick prints, where it is set down att large. Lord Lovet's marrage goes one ; they are to be marred the first week in March, & Im told ther is a list of 45 more, but truly Im afraid ther will not one of the number hold. Never was ther so much deversion, never so many fine appearances of beautys and gentel prity wiman ; and manny are the

* I cannot discover in the Old Magazines the birth of any child bearing this name.

bows who sies them, yet, by any thing I can learn, they desir not to make any wives, so that the ladys, I beleave, will all mostly return to the contrey as they came, which Im sure manny of them will regreat. Lord Streachan, my girl and myself joines all in wishing you manny happy new years, which is all from, my dear Peggy, your most affectionate and humble servt.

“ ANN BUTE.”

^a Chambers's Traditions of Edinburgh, No. I. p. 92.

Lord Strichen was remarkable for having sat the unusually long period of 45 years on the bench. At the time of the Douglas cause (1768) he was the oldest Scottish Judge, being of no less than 24 years longer standing than any of his brethren. *Si liceat ludere* (says a late collector of olden memoirs ^a), he must have been one of the Judges who sat on the famous case of Effie Deans, anno 1736. On his appointment to a seat in the Justiciary Court, that year, he travelled the Autumn Circuit to Inverness, and was met by his kinsman, Simon Lord Lovat, a few miles from the town, attended by a great retinue, eager to honour and congratulate him on his new dignity. Lord Strichen had a Crown-charter of the lands and barony of Lentron, Inverness-shire, which had been disposed to him by Lord Lovat, dated 11th February 1741.^b His Lordship died 15th February 1775.

^b Reg. Mag. Sig.

8th STRICHEN.

ALEXANDER FRASER, only son of Lord Strichen, to whom the estate had been conveyed by his father, in 1759, married Jean Menzies, only daughter of William Menzies, Esq. of the parish of St Ann's, Jamaica, brother of James Menzies, Esq. of Culdares.^c Marriage-contract dated 13th and 20th March 1764. By her he had four sons and four daughters,

^c MSS. of Frasers of Strichen.

1. Alexander.
2. Stewart Mackenzie.
3. Thomas.
4. William.^d

^d See destination in General Fraser's Entail, 16th May 1774, and rectification thereof, 11th January 1775.

1. Frances,
2. Frances Jean, } Both died young.
3. Anne.

4. James.^c Married John Morison, Esq. of Auchintoul. Contract of marriage, dated 15th August 1799.^d

^c MSS. of Strichens.
^d Records at Strichen.

Alexander Fraser of Strichen executed a disposition of the estate of Strichen, and barony of Lentron, to himself, in liferent, and Alexander Fraser, his eldest son, captain of the first regiment of dragoon guards, in fee, 30th August 1794.^e

^e Original in Charter Chest at Strichen.

CAPTAIN ALEXANDER FRASER succeeded to the estate, by virtue of his father's disposition in 1794, and received crown charter of resignation of the estate of Strichen and barony of Lentron, 3d February 1795.^b He married Miss Amelia Leslie, daughter of John Leslie, Esq., baron of Balquhain; contract of marriage dated 10th May 1800, and had issue an only son, Thomas Alexander.—Captain Fraser died 28th April 1803.ⁱ

9th STRICHEN.

^b Original at Strichen.

ⁱ Service of his Son.

XXII. THOMAS ALEXANDER FRASER,

10th STRICHEN.

served heir in special to his father, in the barony of Strichen, 3d April 1804.

^k Charter Chest at Strichen.

By the decease of the Honourable Archibald Fraser of Lovat, without issue, the succession of that noble house opened to Thomas Alexander Fraser of Strichen; and he was accordingly served heir-male of tailzie and provision to the Honourable Archibald Fraser of Lovat, on the 22d of March 1816.¹ Mr Fraser married Charlotte Georgina Dorothea Jerningham, eldest daughter of Sir George Jerningham of Cossy-Hall, in the county of Norfolk, Baronet, by Dame Frances Jerningham, his wife, daughter, and one of the three coheiresses of Edward Sulyard, late of Hawley-Park, in the county of Suffolk Esq., 6th August 1823. On the 14th of June 1824, a bill was passed, reversing the attainder of Lord Stafford and other peers; and Sir George Jerningham accordingly assumed the title of Baron Stafford.

¹ Charter Chest of Lovat, Inq. Ret. Lib. CIX. fo. 51.

The name of Jerningham is one of the very few whose descent can be traced from an ancestor settled in England prior to the Norman conquest. By the female side, this illustrious family is connected, through the daughter of the eleventh Viscount Dillon, by the Lady Charlotte Lee, eldest daughter of George, last Earl of Litchfield, with the Lady Charlotte Fitzroy, daughter to Charles II. On his father's side, Lord Stafford is descended from Lady Anne Plantagenet, Countess of Stafford, eldest daughter and heiress of Thomas of Woodstock, Duke of Gloucester, Earl of Buckingham, King Edward the Third's youngest son.

The rights of the family of Fraser of Lovat being now vested in his person, Thomas Alexander Fraser of Lovat, proprietor of Strichen, was, upon the 3d November 1823,^m served nearest and lawful heir-male of the body of Hugh, Lord Fraser of Lovat, grand-father of Thomas Fraser of Knockie and Strichen: *2do*, Nearest and lawful heir-male of Hugh, Lord Fraser of Lovat, grand-nephew of Thomas Fraser of Beaufort, otherwise styled Thomas, Lord Fraser of Lovat: *3tio*, Nearest and lawful heir-male of Thomas Fraser of Beaufort, otherwise styled Thomas Lord Fraser of Lovat, father of Simon, Lord Fraser of Lovat, and grand-father of the Honourable Archibald Fraser of Lovat. It may be remarked, that from the 26th of March 1539, the date of the deed by Hugh, fifth Lord Lovat, destining the honours and estate of Lovat to heirs-male, the estates of Knockie, Inverallochy and Strichen have been invariably conceived in the same style; and the deed granted by the eleventh Lord, to his grand-uncle, Thomas of Beaufort, was for the express purpose of continuing the succession in the same channel.

The present proprietor of Lovat and Strichen is the twenty-second chief in succession from Simon Fraser of Inverness-shire, and the rights of both houses centered in his person exactly 227 years, from the time when the second son of the sixth Lord Lovat acquired the estate of Strichen. He has issue one daughter, Amelia Charlotte.

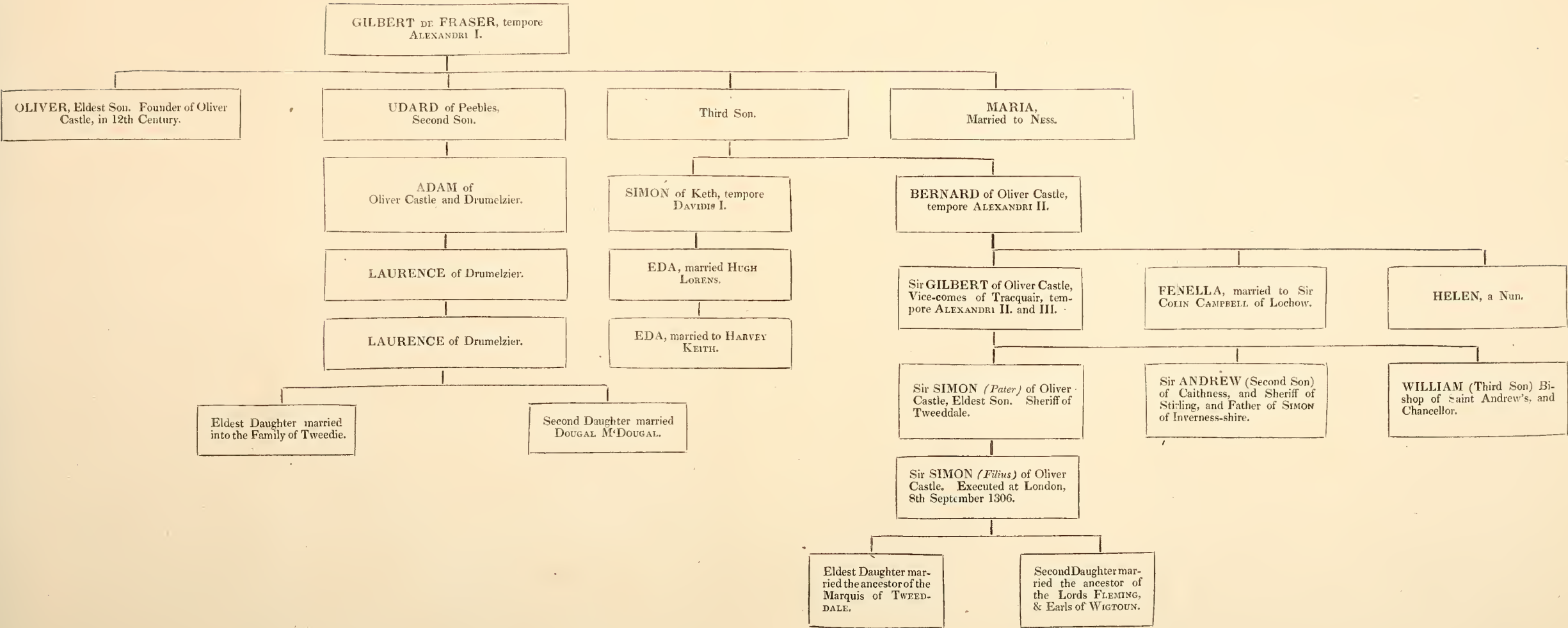
^m Records of Sheriff Court of Inverness. Extracts in Family Charter Chest; and Inverness Courier, November 6, 1823.

PRESENT ARMS:—Quarterly, 1st and 4th, azure, three cinquefoils, argent, for Fraser; 2d and 3d, three antique crowns, gules, (commonly said for Bisset,) arms of concession. *Crest*—A Stag's head, erased, Or, armed, Argent. *Supporters*—Two Stags sejant, proper. *Motto*—*Je suis Prest.*

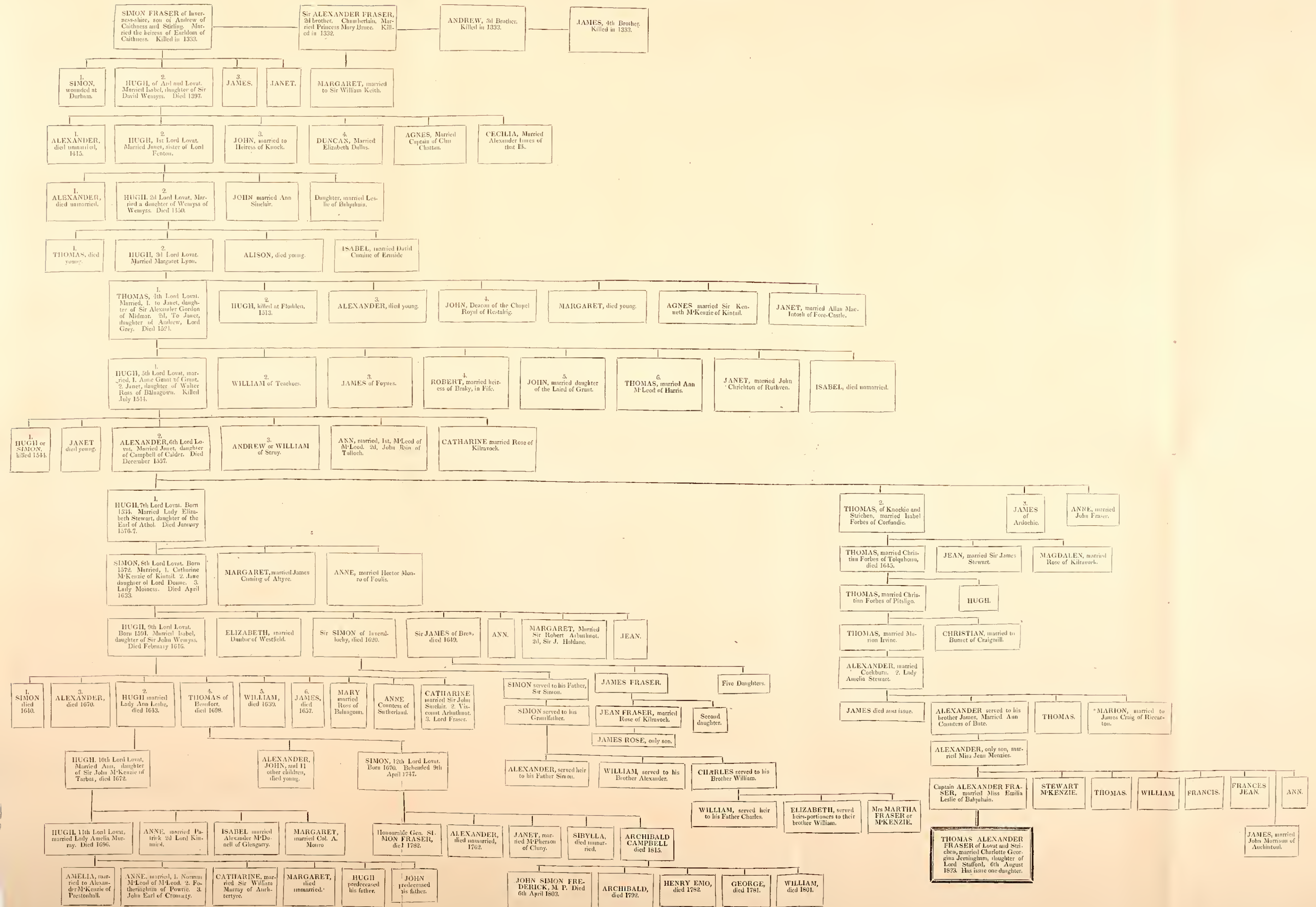
Chief Seats, BEAUFORT, near Inverness, and STRICHEN HOUSE, Aberdeenshire.

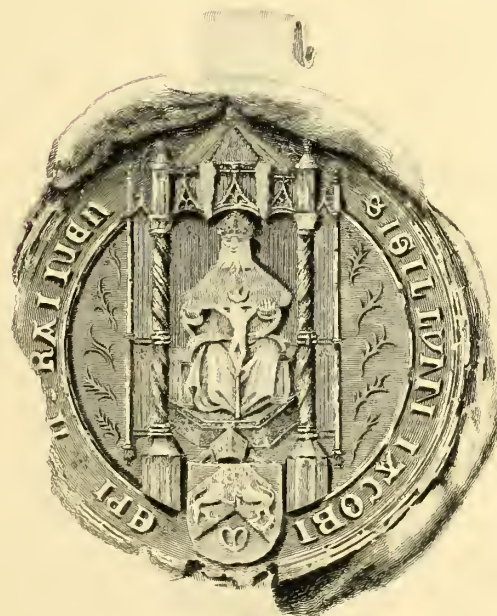


GENEALOGICAL TABLE OF THE FRASERS OF OLIVER CASTLE.



GENEALOGICAL TABLE OF THE FAMILY OF FRASER OF LOVAT.





A P P E N D I X.

APPENDIX.

LIST

OF THE

PRINCIPAL FAMILIES AMONG THE FRASERS,

ALLIED TO THE HOUSE OF LOVAT,

ARRANGED AS NEARLY AS POSSIBLE IN THE ORDER OF THEIR BRANCHING OFF

FROM THE MAIN STOCK.

STRICHEN.—The Frasers of this race are descended from Thomas Fraser of Knockie and Strichen, *second* son of Alexander, *sixth* Lord Lovat. Thomas Alexander Fraser, Esq. is their present representative, who, having become the heir-male of the Lords Fraser of Lovat, and proprietor of their domains, is the undoubted chief of the clan. As such, his patronymic is *MacShimi*, i. e. Simson, or Son of Simon.

ARDOCHY,—represented by General Hastings Fraser, the descendant of James Fraser of Ardoch, *third* son of Alexander, *sixth* Lord Lovat.

STRUY,—derive their origin from William, *third* son of Hugh, *fifth* Lord Lovat, represented by Robert Fraser, Esq. wine-merchant, London.

^a Nisbet's
Heraldry, 390.

ESKADALE.^a—To a second son of Struy, son of Lord Lovat, this family owed their existence.

LITTLE STRUY.—These Frasers are sons of William, *second* son of Thomas, *fourth* Lord Lovat.

CULBOCKIE.—The name of the ancestor of this family is involved in some obscurity. The MSS. state him to have been William, *second* son of Thomas, *fourth* Lord Lovat; and yet it appears, that James, the *third* son of that nobleman, had a royal charter of the lands of *Culbockie* and *Kinkel*, 25th October 1542. The father of the present William Fraser, Esq. of Culbockie, was drawn, by the solicitations of his chief, when very young, into the ill-advised insurrection of 1745. His grand-father remained firm to his allegiance; yet the royal troops, punishing the parent for the child, wantonly set fire to the family mansion.

^b Nisbet's
Heraldry, 390.

BELLADRUM.—These Frasers are sometimes said to have sprung from the Lovat family, in the person of James Fraser, son of Thomas, *fourth* Lord; whilst other authorities set them down as cadets of the family of Culbockie, being descended of the second son of Culbockie, son of Lord Lovat.^b They formed numerous alliances with the Mackenzies of Coul, Gairloch, Applecross and Davochmaluack, and the Chisholms of Chisholm. One of their remote ancestors was a member of the Scottish Parliament, and several attained distinction in the Swedish armies. James Fraser, Esq. now represents the family of Belladrum.

^c Inq. Ret. Inverness.

DUNBALLOCH,—cadets of Fraser of Culbockie,^c represented by Major Fraser of Newton.

FANELLAN,—the same.

ACHNAGAIRN,—sprung of Belladrum. It would appear that Simon Fraser of Fingask, Culmiln and Teanakyl, and George Fraser, principal of one of the Aberdeen Colleges, were brothers of the first of this branch.

FINGASK,—is descended from a *fifth* son of Fraser of Belladrum,^d ^{d Nisbet, 300.} by name, it is said, Simon. Present proprietor, Duncan Fraser, Esq.

RELIG—Of illegitimate ancestry, their progenitor having been Hugh Bain, natural son of Thomas, *fourth* Lord Lovat.^e Present proprietor, Edward Satchwell Fraser, Esq. ^{e See the Text.}

FARRALINE.—The oldest family from the main stock, in the ascending line; but doubts exist of their immediate ancestor; being come, by some accounts, from Alexander, *eldest* son of Hugh, *first* Lord, and by others, from Alexander, *third* son of Hugh, *third* Lord Lovat. The last seems the most probable conjecture.

ERCHITT.—Hugh Fraser of Erchitt, second son of John of Farraline, was the ancestor of this tribe. He married the daughter of M'Intosh of Strone. His eldest son, Hugh, espoused the daughter of William M'Kenzie of Suddy, and fell at Inverlochy, leaving issue an only son, Alexander, from whose second marriage with a daughter of Culduthel, sprung Hugh Fraser of Balnain, Alexander of Bochniben, and John of Abersky.

BALNAIN.—Hugh Fraser, the first of Balnain, was the eldest son of Alexander Fraser of Erchitt, by his second marriage. Donald Fraser, the son of Alexander, by his first wife, Betsy Macpherson, a daughter of the Laird of Cluny, succeeded to Erchitt; but his affairs becoming involved, the estate was sold to pay his debts.^f Hugh of Balnain acquired that property in wadset from him, and from him is descended the present family of Balnain. Two descents brought the estate to

^f MS. by the late Simon Fraser, Esq of Farraline.

McLaurin's
Criminal Trials,
p. 80.

Hugh, who purchased Knockie from the family of Strichen, and was killed by two soldiers, off the shore of Nairn, 4th June 1735.^g His younger brother, William, father of the present Mrs Anne Fraser Tytler of Woodhouselee, acquired the lands of Aldourie. William Fraser, physician extraordinary to his present Majesty, when Prince of Wales, bought Balnain from the family of Lovat, in 1798. Brigadier-General Simon Fraser, who fell at Saratoga, in 1777, was of this house. The circumstances attending his interment, as depicted by General Burgoyne, leave an impression on the mind highly favourable to the character of the gallant soldier. General Fraser served in the Scots regiment, in the Dutch service, and was wounded at Bergen-op-Zoom. He was present at the battle of Mindon, and was the officer who answered the hail of the enemy's sentry in French, and made him believe that the troops who surprised the heights of Abraham were the regiment de la Reine. Through the interest of the late Marquis of Townshend, he was appointed quarter-master-general for Ireland, which place he quitted to serve under Burgoyne, and had the singular good fortune to increase his reputation in that commander's disastrous expedition. Captain Thomas Fraser now represents the family of Balnain.

ABERSKY,—descended of John, son of Alexander of Erchitt.

CULDUTHEL.—John M'Alister, who settled at Farraline, married Anne Rose, daughter of Hugh Rose of Kilravock, and widow of M'Intosh of Killachy. He fell at the battle of Lochlochy, 15th July 1544, leaving three sons, Thomas his heir, Hugh of Erchitt, and a posthumous child, James. From the latter are sprung the Frasers of Culduthel, represented by Affleck Fraser, Esq.^h

^g MSS. by the
late Simon Fraser,
Esq. of Farraline.

GORTULEG,—likewise of the Farraline line, but Nisbet says they are descended of the Frasers of Relig.ⁱ One of the family figures in the Culloden papers, as a correspondent of Lord Lovat and President Forbes. Represented by James Bristow Fraser, Esq., Writer in Edinburgh.

ⁱ Appendix, 116.

DALTALICH,—From the house of Farraline.

BOLESKINE, }
DULCATTACH, } Cadets of Farraline.

FOYERS.—An illegitimate son of Hugh, *third* Lord Lovat, called Hutcheon Franchack, was the founder of this branch, and of eighteen others in Stratherrick.^k Simon Fraser, Esq. of Foyers, is their representative.

^k See the Text.

PHOPACHY.—Though not strictly allied to the Lovat family, a brief account of this race may not prove uninteresting. The estates of the family of Fraser of Fruid, a branch of the Frasers of Drumelzier, became the property of an heiress in the reign of James IV. Two potent barons contended for the honour of her hand. Malcolm Fleming, brother to the Lord Fleming, was the one; John Tweedie, Laird of Drumelzier, the other. The lady plighted her troth to the first, but Tweedie forcibly carried her off and married her. A long and bloody feud arose between the Flemings and the Tweedies, in consequence of this step, in which John Lord Fleming lost his life, 1st November 1524. Agnes Fraser (such was the name of the heiress of Fruid,) had an uncle, John Fraser, who bequeathed to his widow the care of a numerous and youthful family. This lady, of the house of Craigie-Wallace, beheld the dissensions of her native country with alarm, and, to avoid them, she came north, and threw herself on the beneficence of John Fraser, Bishop of Ross, her deceased husband's uncle. He received her with open arms, and provided for her family. Fraser of Phopachy was the fruit of the alliance between James, grandson of this lady's third son, and Elizabeth, daughter of William Fraser of Struy, anno 1599.^l From Phopachy sprung Fraser of Merkinch, which appears to have been the patrimony of the eldest son of this house. Phopachy long since reverted to its ancient proprietors, the family of Lovat; and the Frasers of Phopachy are now represented by Robert Fraser, Esq., of Torbreck, an estate which was

^l MSS. of Fraser's, in Advocates' Library, Appendix

^m Shaw's Moray,
128.

ⁿ Genealogical
Account of the
Wedderburns.
p. 90.

purchased by a son of Phopachy, at a judicial sale in 1758.^m Hugh Fraser, Esq., at Ness-side, is a younger branch of the family of Phopachy.ⁿ

INCHBERRY—Of the lineage of Phopachy, by the daughter of Fraser of Struy.

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